00082482

THE
ASIATIC SOCIETY OF BOMBAY
TOWN HALL, BOMBAY-400 023.

Digitized with financial assistance from the
Government of Maharashtra
on 18 July, 2018

THE

ANTIQUITIES OF GREECE

Translated from the German of

G. F. SCHÖMANN

BY

E. G. HARDY, M.A.
HEAD-MASTER OF THE GRAMMAR SCHOOL, GRANTHAM, AND
LATE FELLOW OF JESUS COLLEGE, OXFORD

AND

J. S. MANN, M.A.
FELLOW OF TRINITY COLLEGE, OXFORD

82482
ae

THE STATE

T.K.9

RIVINGTONS
WATERLOO PLACE, LONDON
Oxford and Cambridge
MDCCCLXXX
1880

82482

00082482

TRANSLATORS' PREFACE.

In offering to the public in an English form the late Professor Schömann's *Griechische Alterthümer*, the Translators believe that they are introducing what is much needed—a connecting link between a History of Greece like those of Grote and Curtius and a Dictionary of Antiquities like that edited by Dr. William Smith, combining the critical and continuous treatment of the former with the detailed information of the latter, and adding to both a multitude of references to classical authors which should make the book most useful to scholars.

The Translators take this opportunity of expressing their great obligations to Mr. Ingram Bywater and Mr. H. F. Pelham, both Tutors of Exeter College, Oxford, for the advice and encouragement without which the work would not have been undertaken, or, if undertaken, not successfully carried out. To the latter gentleman their special thanks are due for his kindness, notwithstanding his own press of work, in reading and revising the whole of the proofs. Many blemishes in the execution of the work have by this means been removed: for those which may still remain the Translators themselves are solely responsible.

The translation has been made from the latest German edition (the third), published at Berlin in 1871.

EXTRACT FROM THE AUTHOR'S PREFACE TO THE FIRST EDITION.

THIS work belongs to a series of manuals the object of which is to spread among a wider circle of readers a vivid understanding of classical antiquity. It is therefore primarily destined for those educated readers and scholars who, without having made any special investigation into the ancient world, nevertheless feel the need of making themselves better acquainted with its spirit and character.

In undertaking to deal, for such readers, with the department of Greek antiquities, I was unable to shut my eyes to the fact that among the multitude of subjects traditionally comprehended under that name there are a considerable number the knowledge of which, however important and necessary it may be to the scholar, may yet seem unimportant and unnecessary to readers who are not classical scholars. If I mistake not, a general interest can be claimed only by that portion of the antiquities of Greece which is adapted to promote an acquaintance with the social, political, and religious life of the Greeks in the classical period. To this alone, therefore, I have felt compelled to confine myself. I shall, accordingly, after having treated in the present volume of Greece as seen in the light of the Homeric epos, and of the political organisation of the Greek State, have in the second volume to deal only with the international relations and institutions, and with the religious system; while as regards the antiquities of private life, of the military system, and the like, these subjects, in the second volume as in the first, will come into question only so far as they seem to me to be of importance for the knowledge of the

political and religious life. I hope that I have thus not passed over, and shall not pass over, anything that is really worthy of being known; indeed, it may even be that I shall be thought to have mentioned certain points which might without loss have been omitted. It is to be hoped, however, that no one will make any objection because I have regarded myself as bound never to leave my readers uncertain which of the matters brought under their notice I regard as the assured result of the research whether of myself or of others, and which of them I give merely as matter of opinion and conjecture still admitting of dispute. For there are assuredly not a few points which have by no means yet been cleared up, and which can hardly ever be so; and upon such points it was unavoidable that some investigation and some criticism should be allowed to find its way into the text. This further circumstance may perhaps meet with approval, viz., that I have taken pains to put my readers in a position to secure certainty for themselves, or to gain more particular information either from the original authorities or from modern treatises, wherever they are disposed to do so. But I have, as far as possible, limited myself in my citations, referring among modern treatises only to such as I was entitled to regard as most easily accessible, while from the original authorities I have only cited some passages of primary importance, without aiming at fulness, or even at completeness. I now cherish the hope that a work upon the antiquities of Greece, constructed on this scale and according to this plan, will be found at least in some degree to attain its aim.

Contents.

PAGE

INTRODUCTION, ... 1

HOMERIC GREECE, ... 19

HISTORIC GREECE.

PART I.

General Characteristics of the Greek State.

CHAP. I. Distinctions of Race among the Greeks, . . 81

II. The Greek State: its Idea and its Conditions, . . 88

III. The Principal Forms of the Constitution, . . 97

IV. The Citizens and the Working Classes, . . . 100

V. The Public Discipline, ... 104

VI. The Idea of the State and the Conflicts of Parties, . 110

PART II.

The Constitutions of Individual States, as described in History.

CHAP. I. The Monarchy, ... 114

II. Decline of Monarchy, ... 119

III. Oligarchy, ... 124

PAGE

CHAP. IV. Tribes and Classes among the People, . . . 128
V. The Organisation of State Authority, . . . 135
VI. Institutions for the Maintenance of the Existing Order, 149
VII. Decline of Oligarchy, ... 154
VIII. Æsymnetæ and Legislators, ... 155
IX. The Tyrants, ... 158
X. Theoretical Reformers, ... 164
XI. Rise of Democracy, ... 169
XII. Characteristics of Democracy, ... 173
XIII. Reactions and Party Struggles, ... 184

PART III.

Description of the Principal States in Detail.

CHAP. I. The Spartan State, ... 191
SECT. I. The Helots, ... 194
II. The Periœci, ... 201
III. The Spartiatæ, ... 207
IV. The Legislation of Lycurgus, . . . 221
V. The Kings, ... 225
VI. The Gerousia, ... 230
VII. The Popular Assemblies, . . . 234
VIII. The Ephors, ... 236
IX. Other Magistrates, ... 246
X. The Administration of Justice, . . 250
XI. The State Discipline, . . . 255
XII. The System of Defence, . . . 278
XIII. The Hellenic Policy of Sparta, . . 287
XIV. The Decline and Fall of Sparta, . . 289

CHAP. II. The Cretan State, ... 295

PAGE

CHAP. III. The Athenian State, ... 311

SECT. I. Historical Survey, ... 311

1. Land and People, ... 312
2. The Earliest Constitution, ... 315
3. Changes in the Constitution before Solon, . 322
4. The Constitution of Solon, ... 327
5. The Development of the Democracy, . 335
6. Decline and Fall, ... 347

II. Details relative to the Athenian State, . . 347

1. Slavery, ... 348
2. The Metœci, ... 353
3. The Citizen-Body, ... 354
4. Divisions and Associations of the Athenian People, ... 361
5. The Council of the Five Hundred, . . 371
6. The Popular Assembly, ... 379
7. The Functionaries of Government, . . 400
8. The Financial System, ... 432
9. The System of Judicature, ... 465
10. The Areopagus as a Supervising Authority, 493
11. The Discipline and Manner of Life of the Citizens, ... 500
12. The Later History of Athens until the Roman Dominion, ... 533

APPENDIX, ... 541

INDEX, ... 557

ERRATA.

Page 4, note 2, line 9,	*for*	Recension	*read*	reviewer.
29, line 30,	,,	*βασιλήες*	,,	*βασιλῆες.*
35, note 1, line 1,	,,	xl. iii.	,,	xliii.
37, line 10,	,,	Sperchæus	,,	Spercheius.
68, ,, 1,	,,	Pramnæan	,,	Pramnean.
105, ,, 30,	,,	Sophonistæ	,,	Sophronistæ.
ib. ,, *ib.*	,,	Gymnasiarchæ	,,	Gymnasiarchi.
130, ,, 15,	,,	Euonymæ	,,	Euonymi.
131, ,, 22,	,,	Phylæ	,,	Phyle.
132, ,, 37,	,,	Perrhæbæan	,,	Perrhæbian.
ib. note 3, line 8,	,,	armer	,,	arme.
137, line 7,	,,	Heraclæa	,,	Heraclea.
145, ,, 3,	,,	Hieronæmones	,,	Hieromnemones.
146, note 5, line 4,	,,	*γείμας*	,,	*νείμας.*
152, ,, 2,	,,	Produs	,,	Proclus.
154, last line, and note 3,	,,	Heraclæa	,,	Heraclea.
155, note 2,	,,	p. 108	,,	p. 99.
160, line 12,	,,	Miletes	,,	Miletus.
161, ,, 24,	,,	Aricium	,,	Aricia.
171, ,, 26,	,,	Mantinæa	,,	Mantinea.
ib. note 7,	,,	*Μάντινεα*	,,	*Μαντινέων διοικισμός.*
184, ,, 1,	,,	in Nicomal.	,,	in Nicomach.
198, line 30,	,,	Lepræon	,,	Lepreon.
199, note 4,	,,	Abhandlung	,,	treatise.
208, lines 17 and 21,	,,	Cadmæan	,,	Cadmean.
210, line 6,	,,	Dynames	,,	Dymanes.
233, note 1,	,,	Sauphe	,,	Sauppe.
240, line 26,	,,	Pasiphæ	,,	Pasiphaë.
247, ,, 13,	,,	Lochagæ	,,	Lochagi.
ib. *ib.*	,,	Pentekosteri	,,	Pentekosteres.
253, lines 26 and 32,	,,	Cadmæa	,,	Cadmea.
257, note 1,	,,	Bulletino, *de*, etc.	,,	*Bulletino d'*, etc.
263, ,, 8,	,,	*Mus*	,,	*Magn.*
357, lines 9, 15, 28,	,,	*ἀγχίστεια*	,,	*ἀγχιστεία.*
480, note,	,,	Grote IV. 424	,,	Grote VI. 350.

INTRODUCTION.

OUR knowledge of the social circumstances and relations of the Greek people does not extend further back than the age which we see described in the Homeric poems, not perhaps with historical fidelity, but at least with poetic truth and insight. But everything anterior to this period lies veiled in a darkness which the means at our disposal do not suffice to penetrate, and we are only enabled at best to form some more or less probable conjectures concerning particular points. The ancient Greeks, who, like other primitive races, believed that the human race was produced from the womb of the all-nourishing earth by the creative force of the vivifying warmth of heaven, naturally conceived of the autochthonous inhabitants of Greece as in a condition of the most complete barbarism, whence they gradually arrived at a higher culture, either through the instruction of friendly deities, or by the agency of the more highly-gifted minds among themselves, or, lastly, through the influence of other peoples who were already more advanced.[1] Modern scientific inquiry, which is unable to recognise any autochthonous inhabitants of Greece in the ancient sense of the word, informs us that the land derived its inhabitants from Asia, the earliest home, not perhaps of the entire human race, but certainly of that branch of it to which the inhabitants of Greece, and indeed of the whole of Europe, belong—the Caucasian. But at what period and by what route the first emigrations from Asia into Greece may have taken place, it seems unadvisable even to hazard a conjecture.[2] It is indeed sufficiently evident that immigrants may easily have penetrated into Greece either by the land route round the Pontus and across Thrace and Macedonia, or by sea along the islands which form almost a chain of union between Europe and Asia; but, on the other hand, it is no less certain that the present configuration of these regions is not their original form,

[1] The proofs of this are given in *Antiquitates juris publici Græcorum*, p. 53.

[2] For references to the conjectures of modern writers see *Antiquitates juris publici Græcorum*, p. 54, 4. Cf. Pott in *Allgemeine Encyclopädie d. Wissenschaft u. Kunst*, ii. 18, p. 22 *seq.*

but was first produced by some mighty convulsion which tore asunder huge districts once continuous, and created the Pontus and the Ægean Sea, with its islands, out of the ruins of an earlier continent. Of this convulsion even the ancients themselves make mention, whether they were led to the conjecture by the actual appearance and configuration of the lands, or by some traditional reminiscence which had been preserved. For we are in no way justified in asserting that at the time of this convulsion the land was not yet the seat of human habitation. Another question to which we are unable to give a confident reply, is whether the earliest inhabitants of Greece belonged to the same branch of the Caucasian race as those who are known to us in the historical period, or whether some other branch, perhaps of Keltic or Illyrian origin, had preceded the latter, and been by them expelled from the land. That branch however to which the Greek nation belonged seems to have been most nearly related on the one side to the more westerly peoples of Italy, who spoke the Umbrian, Oscan, or Latin tongues, and on the other to the nations of Asia Minor—the Carians, Leleges, Mæonians, and Phrygians. With the languages of the latter peoples we are certainly but little acquainted, though we know enough to justify the conviction that they were far more nearly related to the Greeks than to the Semitic peoples.[1] But as regards the degree of culture possessed by the immigrants on their arrival, who belonged to this branch of the race, there seems no imaginable reason for representing them as rude savages, among whom all the elements of civilisation were either subsequently and gradually developed from within, or derived from elsewhere. On the contrary, there seems to be no doubt that they brought with them at least the first germs of culture, and were not without the most indispensable branches of knowledge and the most necessary arts, some kind of social order, and some form of

[1] The Carians have, it is true, been declared by many modern scholars to be a people of Semitic stock, but without convincing reasons, and in contradiction to the statements of the ancients, who describe both them and their subjects, the Leleges, as people of the same race; *e.g.* Herodotus i. 171, vii. 2. 4; cf. also *Antiquitates juris publici Græcorum*, p. 40, note 13. The fact that they are called *βαρβαρόφωνοι*, *Il.* ii. 867, cannot be admitted by itself as a proof of difference of race between them and the other allies of the Trojans who are there introduced; and it seems scarcely possible to doubt that the Leleges must be counted among the Pelasgian populations. It would seem most advisable to describe the Carians as one portion of the stock of the Leleges, largely mixed with Phœnicians, and assimilated to them, so that their language was partly Greek, or similar to Greek, and partly Semitic. Cf. Strab. xiv. 2, p. 662. The language of the Carians is treated of by Jablonsky, *Opusc.* iii. p. 94, and Lassen, *Zeitschr. d. Morgenl. Gesellsch.* x. p. 36 *seq.*

religious belief and mythical tradition. These subsequently received their own peculiar development or modification in accordance with the conditions and influences which prevailed in their new seats, although it necessarily happened that the features which recalled the original home of the race were not so completely extinguished as to prevent the discovery, by careful investigation, of many points which the Greeks possessed in common with the peoples of Asia, among which it is certainly not always easy to distinguish how much is attributable to the original relationship, how much to later communications.

The Greeks themselves call the earliest inhabitants of their land Pelasgi, or at least no other denomination is so widely extended as this. There is scarcely a single district in Greece, scarcely an island in the Ægean Sea, where Pelasgi are not mentioned as previous inhabitants, and we even meet with the name far away to the westward, in Italy, and towards the east, on the coasts of Asia Minor. What the state of the case really was, however, as regards these Pelasgi, and whether all who were called by this name actually belonged to the same nation, it is difficult to ascertain, and the statements of the ancients on the subject are more calculated to confuse than to enlighten us. By some they were regarded as barbarians, and therefore either not at all, or only distantly, related to the Hellenes. Others explain them as the original ancestors of the Hellenic race, and expressly designate them as a Hellenic people.[1]

It is almost inconceivable that a nation so widely extended as, according to the statements with regard to their original seats, the Pelasgi must have been, should have described themselves, wherever they were found, by a single name. History teaches us that the collective names applied to nations are usually at first only the appellations of some single portion or tribe, and are in many cases not employed at all originally by the people itself, but invented by foreigners who were in communication with them, and then in the course of time received a wider extension. It is, however, a fruitless question to ask where the name of Pelasgi may first have originated, or to what tribe it was first applied; nor can we even determine with certainty to what language it properly belongs. All attempts to explain it from Greek roots[2] are so little convincing that no one

[1] For all this see *Antiquitates juris publici Græcorum*, p. 36 *seq.*

[2] *E.g.* from πέλω and ἄργος, "inhabitants of the plain" (Müller, *Orchomenos*, p. 125), or from πέλος, which is said to be equivalent to ἕλος and ἄργος (Völcker, *Myth. d. Jap.* p. 350 *seq.*), or from πέλα = πέτρα (?), and so

can be blamed if he prefers to search for some more admissible signification in other languages, among which, as was to be expected, Sanskrit, the language of the mystic *Konx om pax*, has generally been chosen.[1] Others assure us with exultation and confidence that the name is Semitic, and signifies "emigrants," having reference to the Philistines or Phœnicians, who were expelled from Egypt, and scattered far and wide over the islands and coasts of the Ægean Sea.[2] We gladly allow every one to take whatever interpretation pleases him, but the sober and scientific inquirer will not be ashamed to acknowledge himself unable to give any satisfactory explanation of the name. Supposing it to be akin to πέλοψ, or πελαγών, very little advantage is gained, because the explanation of these names themselves is anything but certain. Let us therefore content ourselves with stating what seems evident and free from doubt, viz., that the name of Pelasgi, having originally been the appellation of some one of the peoples who inhabited Greece in prehistoric times, was at a later period, after the Hellenic people had extended itself over the whole land, and their name had become the collective title of the race, employed as the most universal term for all the pre-Hellenic populations, without respect to their true ethnographical relationship; so that the Philistines or Phœnicians may at any rate be assigned a place among them, while many tribes which are usually brought before our notice under special names of their own, and are commonly distinguished from the Pelasgi—such as Leleges, Caucones, and Thracians,—are not on that account to be considered less Pelasgian than others who are expressly included under the name.[3]

"born from the rock" (Pott, *Etymologische Forschungen*, 1st ed., i. p. xl), or πέλας = πάρος, and so πάρος γεγαῶτες "the ancients" (*id. ib.*). An attempt might also be made to form a conjecture from Strabo's words (*Frag.* lib. vii.), πελιγόνας καλοῦσιν οἱ Μολοττοὶ τοὺς ἐν τιμαῖς, ὥσπερ ἐν Λακεδαίμονι τοὺς γέροντας. For other suggestions see Pott (*op. cit.* p. 132), not to mention the opinion of those who believe the name to be connected with πέλαγος, and to signify "strangers from beyond the sea," or, according to another explanation, "men of the forest," nor the most modern and marvellous interpretation of all, from πέος and λᾶς—Bachofen, *Gräbersymbolen*, p. 357.

[1] According to Hitzig, *Urgeschichte und Mythologie der Philister*, p. 44, the Pelasgi are "the white men," from Sansk. *balaxa*, in opposition to the red Phœnicians and black Ethiopians.

[2] Röth, *Abendländische Philosophie*, p. 91, and note p. 8, no. 25: "*Pelischti*, originally *Pelaschi*, 'emigrants.'" So also Maurophrydes, *Philistor*, i. p. 5. Cf., on the other hand, K. B. Stark, *Gaza und die philistäische Küste*, p. 116 *seq.* Besides this, I. Swinton long since declared the Pelasgi to be Phœnicians driven from Egypt, whereas his Recension (*Nov. Act. erud.*, Lips. 1744, p. 395) rather regards them as Welsh (Walisci, Welasci), and so as Kelts.

[3] *E.g.* the Tyrrhenians or Tyrsenians, whose name has been derived,

The Hellenes themselves, moreover, whom we thus oppose to the Pelasgi, were beyond all doubt no more than a single member out of the multitude of kindred nationalities which are included under this common name. In Homer the name appears as only the special appellation of a people, or portion of a people, which was led to Troy by Achilles, while Hellas was a town or district in Southern Thessaly, and is often mentioned in close connection with Phthia, from which, at a later time, this part of Thessaly derived the name of Phthiotis. The expression, "the Pelasgic plain," however (*τὸ πελασγικὸν Ἄργος*), appears in Homer as the general name for Thessaly, and it was the opinion of many ancient inquirers that this region had been the peculiar and original home of the Pelasgi; whereas the Hellenes are regarded by some as immigrants from a more westerly district. Aristotle, whose statements we may confidently believe were founded on careful investigation, knows of an ancient Hellas in Epirus in the neighbourhood of Dodona and the Achelous, the channel of which, in later times, was different from its earlier direction.[1] In these parts it was, to follow Aristotle again, that the flood of Deucalion took place; and although he does not himself expressly state that it was this which occasioned the emigration of the Hellenes, there can be very little doubt that this was his real opinion. For Deucalion is regarded as the ancestor of the Hellenic race through his son Hellen, and when other writers[2] represent him as invading Thessaly with a troop of Curetes, Leleges, and the tribes dwelling round Parnassus, we are able, without any forced interpretation, to reconcile this with the statement of Aristotle, by supposing that the Hellenes first descended on the lands lying to the south—Epirus, Acarnania, and Ætolia, where Aristotle himself recognised Leleges and Curetes,[3]—and from thence, reinforced by these tribes, advanced over Parnassus, and so on to Thessaly.

There is no doubt that in the course of time the Hellenic stock gradually extended itself more widely from Thessaly as a centre, but in what manner and to what extent this took place is a question which no longer admits of definite answer. We may indeed conjecture that the bands which had penetrated into Thessaly were not all able to find in that region space for a permanent abode. The Hellenes in Phthiotis, under the

---

with great probability, from *τύρσις*, a citadel (cf. *Tzetzes on Lycophron*, v. 717), and may therefore be compared with the German Burgundians, concerning whom see Zeuss, *Die Deutschen und ihre Nachbarstämme*, p. 133.

[1] Arist. *Meteorol.* i. 14.

[2] Dionys. *Ant. Rom.* i. 17.

[3] In Strabo, vii. 7, p. 321, extr.

dominion of Peleus, who are mentioned in connection with Myrmidones and Achæans,[1] were evidently only a small remainder of the horde referred to in the myth of Deucalion. Others had been compelled to march further, and among those we may reckon the band which, at some time, under a leader who is called in the story Xuthus, penetrated into Attica, and settled in the northern portion of the territory of the so-called Tetrapolis, which is stated to have been voluntarily given up by the Pelasgi or old Ionian aborigines, who had been their allies in a war against the Chalcodontidæ of Eubœa.[2]

The Dorians we may regard as another Hellenic band which, according to the statements of Herodotus, for a long time roamed about from one part of Thessaly to another, and at last, having united themselves with a portion of the Achæan people, which, in an earlier period, had been driven from the Peloponnese, and under the command of chiefs who boasted their descent from the Achæan hero, Heracles, invaded that peninsula and reduced a large portion of it under their dominion.[3] As this invasion is said to have taken place eighty years after the Trojan war, or about 1104 B.C., it seems reasonable to bring it into connection with the immigration of the Thessalians which had taken place shortly before. This people had originally inhabited Epirus, and now took possession of the country which has since been named after them, expelling or subduing the earlier inhabitants. The only tribe expressly named as having been expelled by them are the Æolian Bœotians, who now migrated to the region which henceforth bore their name, as its most powerful, though not its only inhabitants. It is, however, at least not an improbable conjecture, that the Dorian migration may also have been a result of this invasion of the Thessalians.

In what way the relations of the Peloponnese were altered by the Dorian migration, and how, in consequence of it, several emigrations took place to the islands and coasts of Asia Minor, we may assume as generally known facts, and shall return to the subject on a later occasion, in so far as our purpose requires it. For the present it is sufficient to remark, that from this period the populations of Greece retained, without important alterations, the abodes which they had once taken up; and after the migrations, which were necessarily followed in every case, more or less, by revolutionary departures from the earlier state of things, a period of rest succeeded, in which the

[1] Homer, *Il.* ii. 684.
[2] Cf. *Antiq. jur. publ. Græcorum*, p. 163, and Schömann's *Opuscula academica*, i. pp. 159, 163.
[3] *Antiquitates*, p. 104.

newly-established conditions were able to strengthen themselves and to develop. We should hardly be wrong in dating the predominance of the Hellenic element from this time. Herodotus (i. 56) calls the Dorians a Hellenic people in contrast with the Pelasgian Ionians; while in the Homeric poems, where we have already remarked the Hellenes only appear in one district of Southern Thessaly, the name "Achæans" is employed by preference as a general appellation for the whole race.[1] But the Achæans we may term, without hesitation, a Pelasgian people, in so far, that is, as we use this name merely as the opposite of the term "Hellenes," which prevailed at a later time, although it is true that the Hellenes themselves were nothing more than a particular branch of the Pelasgian stock. True it is, that after the Hellenic name had gained a predominant importance, an Hellenic descent was attributed also to the Achæans; but of course no more weight is to be attached to this than to the fact that the Ionians were converted into descendants of the Hellenes, and especially since, side by side with these genealogies, which chiefly gained circulation by the poems of Hesiod, sufficient traces of other and quite different opinions are preserved, which correspond more nearly with the true relations of the case. It is extremely probable that in this pre-Hellenic period the Achæans at one time gained a position of superiority over the Pelasgian peoples, just as the Hellenes did at a later time; but it is impossible to produce more particular evidence on the subject. However this may be, the Hellenes appear as a strong and warlike nation, which, after bursting forth from the rough and mountainous district of Epirus, soon gained for themselves the supremacy among the less warlike Pelasgi, so that in many quarters their leaders obtained a position of dominion, and obliged the earlier rulers to give way. It is quite conceivable that the peoples, at the head of which Hellenic leaders were thus established, henceforth called themselves by the name of their new rulers; and if these peoples were the first in strength and importance, it is just as natural that this name should necessarily appear the most appropriate description of the whole population, which was as yet without any common appellation, as it is that in the Homeric poems we should find that of the Achæans employed in a similar manner. In this way it was that even those peoples gradually acquiesced in the

[1] The signification of the name, as it has been not improbably explained, is the "excellent" or "noble." Cf. Müller, *Dorians*, vol. ii. p. 502 (1830), and *Prolegg. to Mythology*, p. 230; Pott, *Indogerm. Sprachst.* in Ersch. and Gruber's *Encyclop.* p. 65; *Anm.* 44; Gladstone, *Homeric Age*, p. 114.

name, who were in fact not Hellenes at all in the proper sense of the word, such as Arcadians, Epœans, Ionians, and a multitude of tribes included under the widely-reaching title of Æolians. As the special name of a single people, however, it entirely disappeared, while that of Achæans, after it had dropped its earlier and more universal application, was preserved as the special name of a population dwelling in the north of the Peloponnese and the south of Thessaly. The original and genuine Hellenes, on the contrary, called themselves in every case by the name of the countries in which they had first risen to power, and then became amalgamated with the earlier inhabitants; and the appellation which had formerly distinguished them from others was subsequently used only to describe along with them all the other peoples of Greece, as members of one great national whole.

From the pre-Hellenic period date certain structures still existing in different parts of Greece, which bear witness to a not inconsiderable degree of culture, and, partly on account of their immense size, excite genuine surprise: such as contrivances, ascribed by tradition to the heroes of antiquity, and especially to Heracles, for the watering or draining of the country, which in many quarters was unfit either for cultivation or habitation without some preparation of the kind; also roads, which rendered possible some communication between those portions of the country separated by impassable mountains, in districts where, at the present day, now that these roads have fallen into ruin, communication is with difficulty maintained by bridle-paths, although the Achæan heroes of Homer passed to and fro in their chariots without difficulty.[1] Lastly, there remain huge edifices of polygonal stones, some of them of colossal dimensions, partly walls and gateways, partly, as it appears, burial-places, and treasure-houses intended for the preservation of valuable property, and built, as tradition relates, at the instigation of this or that king by the mythical Cyclopes. Pausanias mentions with astonishment the treasure-house of Minyas at Orchomenus, and the walls of Tiryns, as buildings which might well compare with those of the Egyptians. This may certainly be an exaggeration; but there are indisputably still in existence, besides the fortifications of Tiryns, fragments of cyclopean architecture, such as the walls of Mycenæ, with their lion-gate, the so-called treasure-house of Atreus, and others elsewhere, well fitted to convince us that in a period now completely veiled from our eyes by im-

[1] It is true that doubts have been suggested by Hercher, in *Hermes*, i. p. 265, with regard to the journey of Telemachus from Pylos to Lacedæmon.

penetrable darkness, there lived mighty rulers, who had at their disposal the not inconsiderable forces of a laborious people, and were by this means enabled to execute works which, though they display no high artistic development, do yet testify to the continued perseverance and united exertions of numerous workmen, whose services must necessarily appear all the more wonderful to us when we remember that at that time labour was lightened by no skilfully devised machinery.

Yet another bequest, however, has been left us by this early time, no less enigmatical than these huge structures which loom out of primeval ages—a bequest handed down to posterity in manifold form and ever-changing shape, and living on to much later times,—a rich stream full of mythical tradition of the deeds of gods and men,—of huge races which have since disappeared, such as giants and Cyclopes, —of heroes engaged in conflict with wonderful monsters,— —of distant voyages over unknown seas, rich in adventures and deeds of heroism, and undertaken for the capture of precious treasure or for the punishment of injustice and wrong,—of frightful crimes with which one or other of the ancient dynasties stained themselves, and through which they brought defilement both on themselves and their race. These fables provided an inexhaustible material for the poetry of later generations, which they were never weary of moulding into life-like forms, and using as the vehicle of the most diverse ideas. But what was the original foundation of these stories, what thoughts clothed in symbols and pictures they signified, what reminiscences of real deeds and events may underlie them, it is only possible to ascertain with certainty in a few cases. This much, however, is certain, that even Homer and his immediate successors, the most ancient poets in whose songs these stories are presented to us, received their material as a bequest from a far remote past; and Homer himself, with all his skill in giving an appearance and colour of truth and reality to his narrations, yet in many passages shows clearly enough that the events of which he sings belonged to a distant antiquity, and that the Hellenes whom he brings before us were sprung from an earlier and much stronger race than the men of his own day. Many of these stories appear to contain evident traces which bear out the conclusion that they did not originate on Greek ground, but that the Greeks had either received and appropriated them in their communications with the East, or had at least brought with them the roots or kernels of the stories from Asia, their earlier home, and that out of these was formed this rich and manifold structure composed of

the stories of their gods and heroes. With regard to by far the greater part of the myths, the latter may be assumed to have been the case, the former only in the small remainder. The number of those which may be certainly shown to have been borrowed from Oriental, Phœnician, or Egyptian myths, is comparatively not large, and the great majority display to the eyes of an impartial and unprejudiced inquirer no sign of Phœnician or Egyptian origin, but, on the contrary, appear to be the productions of the nation whose property they are, although, as we have said, the roots and kernels may belong to a period in which this nation still lived in its Asiatic home among kindred peoples, from which, at a later time, it became more and more estranged, and which it sometimes even contrasted with itself as barbarians.

In other respects it is undeniable that in the pre-Hellenic period great and manifold influences were exercised on Greece from Oriental and Phœnician sources, and also that the Greeks of that age owed to these races the communication of many branches of knowledge and art. The Phœnicians, as we know from perfectly trustworthy testimony, possessed settlements in many islands of the Ægean Sea, and on many coasts of the mainland of Greece. In Cyprus, Cittion and many other towns were founded by them, while in Crete some fugitive bands of the Phœnician Philistines had settled after their expulsion from Egypt by the native kings, where they had occupied a portion of the land for nearly five hundred years, under the name of Hycsus. There were Phœnician settlements also in Rhodes, Thera, Melos, and further away in Lemnos, Samothrace, and Thasos, in which last-named island they first opened the gold mines, which at that time were rich and productive; while it is one of the most certain historical facts that they at one time occupied the island of Cythera in the bay of Laconia, and carried on there their purple-fishery and dyeing operations.[1] Now, just as the

[1] It is also acutely proved by E. Curtius, *Rheinisches Museum*, 1850, p. 455 *seq.*, that Phœnicians had once settled at Nauplia on the coast of Argolis. For other traces of this race in the peninsula, see Curtius, *Peloponnes*, Part ii. pp. 10, 47, 170, and in many other passages. Generally, however, for the extension of the Phœnicians in Greek regions and islands, consult, besides Movers' well-known work, Knobel, *die Völkertafel der Genesis*, p. 96 *seq.*, and for the names of places which afford evidence of their presence, see J. Olshausen in *Rhein. Mus.* viii. (1853) p. 321 *seq.* The opinion expressed by the latter, that other peoples unrelated in language to the Phœnicians, and especially Leleges and Carians, had made an entry at the same time under Phœnician leadership, has since then been further applied by E. Curtius, who, however, claims for these non-Phœnician bands the common name of Ionians, which may be acquiesced in, provided that the name is not exclusively associated with the Ionic stock which was, at a later time, specially so called. Cf. *Opusc.* ac.

Cytherean goddess, Aphrodite Urania, and her worship, which was gradually extended over the whole of Greece, offers the clearest proof that the Greeks derived from the Phœnicians not only merchandise, but also religious ideas and ceremonies, so in the same way the worship of the Cabiri in Lemnos and Samothrace is in all probability to be reckoned among the worships derived from the same source. Indeed, the very name of Cabiri seems to be more appropriately regarded as Phœnician than Greek.[1] Nevertheless, the fact must not be overlooked that in this worship, as in that of Aphrodite, foreign and native elements have met one another and become completely intermingled; and just as the representation and worship of the Cytherean goddess attached themselves to those of a native Greek goddess of kindred signification, so the Phœnician Cabiri were associated with gods whom there can be no hesitation in considering as original to the Greeks. On this account we must be on our guard against the sweeping conclusion which, it is true, some of the ancients themselves have not avoided,—that all which related to these Cabiri must necessarily be considered non-Greek and Phœnician.

Apart from this, however, we are unable to ascertain how numerous the Phœnician settlers on these islands and coasts may have been. In many places it is certain that they only erected factories for the prosecution of their trade, without taking possession of more extensive regions or founding regular colonies, while in other parts they attempted and executed these further designs. This much, however, is certain, that in the opinion of the Greeks some limit must already have been placed on the naval supremacy of the Phœnicians as early as the pre-Hellenic period. The dominion of Minos, the mythical king of Crete, is fixed at three generations before the Trojan war, and he, according to the statements of the Greeks, subdued and colonised[2] the islands of the Ægean, which were at that time occupied by the Carians and Phœnicians. And even if we suppose that he must really be regarded as a personification of the Phœnician supremacy, on the other hand, the Homeric poems, which are the earliest source to throw any light over Greek relations, contain not the slightest trace of Phœnician settlements on Greek islands or coasts, and we only know the

---

i. p. 168, and A. v. Gutschmidt, *Beitr. z. Gesch. d. alt. Orients*, p. 124.

[1] From *Kebir, i.e.* great. They are often termed "the great gods" among the Greeks.

[2] Cf. Hoeck, *Kreta*, p. ii. 205 *seq.*, and concerning Minos as a Phœnician, see Thirlwall, *History of Greece*, i. p. 140, and Duncker, *History of Antiquity*, i. p. 369 of Abbott's translation. Curtius declares himself against this view, *Gr. Gesch.* vol. i. p. 628 (4th ed.).

Phœnicians as merchants who visited these lands with their merchandise, and at the same time practised piracy and kidnapped men. Everything, however, which appears in later writers about permanent settlements of the Phœnicians or Egyptians in particular parts of Bœotia, Argolis, and Attica may be shown with sufficient clearness, on an examination of its real grounds, to be completely unhistorical.[1] As regards Cadmus, the reputed founder of the Theban citadel Cadmeia, Herodotus, it is true, believes that he was a Tyrian prince sent out by his father Agenor to search for his ravished sister Europa, and who after many wanderings at last reached Bœotia, and there founded the fortification of Cadmeia, which has since borne his name. On the other hand, however, reasons which it is impossible to overlook support the view that in the genuine religious stories of Pelasgian peoples this name rather denotes a god, whose activity was present at the beginning of the world in the character of a founder or legislator, but who, after these stories had been suppressed or obscured, was converted into a hero, but still one of a thoroughly Greek origin and character, and was first declared to be a Phœnician adventurer in a period when a prevalent inclination had grown up among the Greeks to derive the obscure beginnings of their history and culture from the East. This tendency was due, in the first place, to the general fact that a recognition had forced itself upon their minds, that the culture of the East was more ancient than their own, and it was only the next step to this to derive the younger from the more ancient; and a second and more special reason was this, that many of their religious institutions which had become unintelligible to themselves had a certain similarity to those of the East, and for that reason might be regarded as borrowed from it. Moreover, subsequently to the foundation of the Greek colonies a more constant communication took place with Asia, and not only did a larger number of Phœnician merchants visit Greece, but also Greek travellers to Phœnicia became equally frequent,—many induced not only by commercial interests, but also by their eagerness for scientific investigation, and as a result of this there can be no doubt that sweeping conclusions of this kind were drawn from very weak premises. To these we must add the records contained in Phœnician myths concerning

[1] Cf. especially the thorough criticism in Thirlwall, cap. iii. vol. i. pp. 71-89, and before him in O. Müller, *Orchom.* p. 99 *seq.*, and *Proleg. zur Myth.* p. 175 *seq.* Even among the ancients some considered that the settlers who arrived from Egypt were at any rate not of Egyptian descent, but adventurers of Semitic race, who, having been expelled from Egypt, had some of them turned towards Greece. See Diodor. xl. 3; C. Müller, *Fr. Hist.* ii. p. 392.

ancient emigrations from their land to the West; and out of the union of stories of this kind with native elements arose, as we may fairly infer, that manifold and confusing congeries of myths which has attached itself to the name of Cadmus. The name itself, however, may have contributed to the mistake of regarding this personage as a Phœnician, since it recalls to mind the Semitic word *Kedem*, or "land of the morning;" and this may have been more especially the case since in Greek the word had disappeared from daily use, and its signification of "arranger" (from κόσμος) had come to be forgotten. It is however evidently as genuine Greek as the name of his wife Harmonia, which, it is true, some modern theorists have in some inconceivable way declared to have been also borrowed from the foreigners.[1]

Equally ill-founded is the opinion of the Egyptian origin of Danaus. His name too may easily be explained from a Greek root,[2] and, like the myth concerning him and his daughters, the Danaidæ, points to the watering of the land. Now the hero Danaus is stated in the myth to have been a descendant of Io, a goddess of the moon and firmament, worshipped by the ancient Argives; and Greek travellers, imagining that they had discovered the same goddess in the Egyptian Isis, easily conceived the idea of converting her descendant Danaus into an Egyptian, and representing him as having arrived in Greece from that country.[3] However, the most ancient evidence for this opinion likewise belongs exactly to that period in which Egypt was thrown open more freely than in earlier times to the entry of the Greeks, and the land was more frequently visited from Greece than heretofore.[4] Finally, Cecrops is in no instance described as an Egyptian by any of the more ancient writers, but, on the con-

[1] Since Niebuhr himself, *Lectures on Ancient Hist.* i. p. 80, produces, as a proof of the Phœnician settlement in Bœotia, the word βανά, used by the Bœotians for γυνή, and according to him an evidently Semitic word, the reader may be referred on this subject to Ahrens, *de Dialecto Æol.* p. 172. The word Ὄγκα too, used as surname of Athene, has appeared to many to be Semitic, while others connect it with ὄγκος, and make it signify "the goddess on the height," like ἄκραια in other places. Apart from this, the fact that at one time Phœnicians had settled in Bœotia may, and indeed must, be granted, even if evidence of this kind is rejected.

[2] As G. Hermann derives it from νάω, with its inseparable preposition δα—*Opusc.* vii. p. 280. Cf. Pott, *Jahrbuch f. Philologie Supplem.* iii. p. 336, and Kuhn, *Zeitschr. für vergleich. Spr.* vii. 5. 109.

[3] Concerning the signification of the fable it may be sufficient here to refer to Göttling, *Gesammelte Abhandlungen*, p. 38, and Preller's *Mythologie*, ii. part 2, p. 45.

[4] The derivation of Danaus from Egypt first appears in the epic of Danais, which appears to belong to the Solonian age. See Welcker, *Ep. Cyc.* p. 326.

trary, until the period of Alexandrine studies, he uniformly appears as an autochthonous Attic and Bœotian hero. With regard to the Platonic romance concerning an ancient union between Athens and Egypt, and the war with the submerged island Atlantis, it is as impossible in any rational manner to suppose that it actually rested on old Egyptian records as it is to persuade us that the goddess of Saïs, Neith, was identical with the Greek Athene, on account of some remote similarity in the name, when the signification of the two words is entirely different. Nevertheless it was this similarity between Athene and Neith and this Platonic romance that were the first threads out of which first Theopompus, a contemporary of Alexander the Great and the two Ptolemies, spun out the legend of an Egyptian colony in Attica, and then later writers represented Cecrops of Saïs as its leader. If modern inquirers have assigned some value to these cobweb theories, this was most pardonable in a superstitious age, when historical criticism was as yet little practised; but when, although the supposed evidence for this Egyptian colonisation has been illumined by the torch of criticism, and displayed in all its worthlessness, many still stand forward in defence of the same view, and appeal to similarities which may possibly be discovered between Egyptian art and the works of the most ancient art of Greece, or regard the small pyramidical edifices which appear here and there in particular parts of Greece as trustworthy evidences of Egyptian colonies, this kind of mistake seems scarcely explicable, except as the result of a certain idiosyncrasy which feels an absolute need of rediscovering the East in Greece.[1]

To an idiosyncrasy of this kind we must ascribe the truly astounding assertion that not merely particular institutions, sciences, and discoveries, were acquired by the Greeks from the East, which nobody denies, but that the entire Greek culture is due to the communication with the earlier civilisation of the Orientals. Religious conceptions, in particular, are supposed to have been entirely acquired by the Greeks from Oriental sources, and especially from Egypt; while Greek mythology is said to be nothing more than a deformed caricature of a system constructed by the lore of Egyptian priests, of which only fragments had become known to the Greeks, which, misunderstood and forced out of their right connection, were at last

[1] Cf., on the other hand, Meiners, *Gesch. aller Relig.* i. p. 309; ii. p. 742; and Urlichs, *Neuer Schweizer Mus.* (1861) p. 150. In favour of the opinion is Vischer, *Erinner. und Eindrücke aus Griechenl.* p. 328. Pyramidical monuments were erected in Sicily in the time of the younger Hiero.—Diodor. xvi. 83.

converted into a confused web of contradictory and meaningless stories, in which scarcely a trace of the profound and consistent teachings of the priests can be detected; though this teaching, it is imagined, has at last been re-discovered, and in it there are beheld stored up, not only the true and original signification of the mythological pictures, but also the speculative ideas of later Greek thinkers concerning the gods and divine things, so that Egypt must be recognised as the one *alma mater* of all Greek and consequently of all Western philosophy.[1] This supposed system, however, of old Egyptian priest-lore shows itself, on critical investigation, to be only a modern product of misapplied learning in subservience to a foregone conclusion, which, out of certain intimations of the most different character, and belonging to the most different periods, sometimes unreliable, sometimes unintelligible, has derived what meaning it chose, and invented fresh material at its own pleasure. The only proposition which may be truly maintained is this: that after Egypt and the East had become more accessible and better known to the Greeks, many particular points in the religion, the worship, and the mythology of the Orientals appeared to some persons so important and worthy of notice that they introduced them also into the Greek religion, and undertook to amalgamate them with the national conceptions, worships, and myths—an undertaking to which, in particular, the so-called Orphici directed their attention. These men were so named because they attempted to give to their new doctrines the appearance of a venerable antiquity by representing them as revelations bequeathed by an unknown poet of the earliest times—the Thracian Orpheus[2]—which had hitherto lain concealed, or had only been known to a few initiated persons. Aristotle declares that no poet of the name of Orpheus ever existed, and the chief poem attributed to him has been judged by skilful inquirers to be the work of Cercops, a Pythagorean, and must therefore, at earliest, have been produced in the second half of the sixth century B.C. Others regard it as a work of Onomacritus, a writer of the same period. It is evident that Orpheus is a thoroughly mythi-

[1] This is the proposition which E. Röth undertakes to prove in his *Geschichte unserer abendländ. Philosoph.* i. (Mannheim, 1846). A correct and fair estimate of his fruitless attempt is given by Spiegel, *Münchener gelehrter Anzeiger*, 1860, no. 65. We shall here simply refer for the supposed Egyptian priest-lore to Duncker's well-considered judgment, *Alt. Gesch.* i. p. 83; and, for the derivation of Greek religion from Egypt, to Welcker, *Götterl.* i. p. 10, and Gerhard, *Myth.* i. p. 31.

[2] Concerning the Orphici, it is sufficient to refer to Lobeck's *Aglaophamus.*

cal personage, as were also the other reputed singers and prophets of antiquity whose names are still retained, such as Musæus, Eumolpus, Linus, Thamyris, with regard to whom it may be affirmed with equal confidence that they are fictitious personages, created by the fame of ancient religious institutions among a pre-Hellenic people, the Thracians, who are said to have at one time settled in different parts of Greece, and to whom, in particular, was ascribed the foundation of the service rendered to the Muses on Mount Helicon and the worship of Dionysus. This ancient people have nothing in common with the Thracians of the historical period except the name, and this appears to have been transferred to these barbarians for the simple reason that they penetrated into those northern regions of Greece, where the others had at one time had their principal seats.[1] The belief, however, that any portion of Egyptian lore had ever made its way to these ancient Thracians, and was through them introduced into Greece, will only be entertained by those who flatter themselves with the hope that they can still discover in Thrace some traces of the conquering march of a Rhamses or a Sesostris, which, in that case, must of course have introduced into the country Egyptian religion and wisdom.

In opposition to this perversity, which denies all originality to Greek culture, and represents the most intellectual people in the world, instead of arriving at an independent civilisation, as having merely modified, disguised, or falsified adventitious materials, it may well seem excusable if others have undertaken altogether to deny the influence of the East upon Greece. This is, it is true, as extreme a view as the other, but it is not so far removed from the truth. For all that can actually be proved with regard to these influences and communications is limited to isolated and generally external points, which are of subordinate importance for the peculiar heart and essence of civilisation. It can, moreover, fairly be maintained that the Greeks would certainly have attained their actual development without them, and further, that everything which they did actually receive from barbarians was converted into their own property, and evolved independently in accordance with their own nationality and their own genius.

But of all the inventions which they demonstrably derived from the East, there is none more important than that of written characters. The original derivation of the Greek alphabet from the Phœnician is evidenced both by the names and shapes of the several letters; but it is also obvious that no

[1] Cf. O. Abel, *Makedonien*, p. 38 *seq.*; H. Deimling, *die Leleger*, pp. 44, 66.

settler, such as Cadmus is said to have been, was required in order to teach the Greeks these letters. It is impossible to ascertain with certainty at how early a time the knowledge reached them,[1] though it is perfectly certain that the art of writing had not taken its place as an effective agent in Greek culture before the seventh century B.C. For though it may seem probable that writing was employed in shorter documents, there was certainly no more extensive use of it, or any commencement of written literature, before the period named. According to the testimony of the ancients, even written laws were not in use before the time of Zaleucus, who is said to have given the first written code to the Epizephyrian Locrians about 664.[2] We may leave untouched here the question whether the Homeric poems, the most ancient production of Greek poetry which has descended to posterity, were composed and handed down with the aid of writing, or whether the written copies of them were first made some centuries after their original appearance: for even those writers who profess the former opinion only demand an exceedingly limited and occasional employment of writing; while some even consider that not the entire poems, but only certain particular portions of them, were reduced to writing.[3] Though it may certainly be allowed that as early as the eighth or ninth century some few instances of written composition may have existed, whether it was the whole of the Iliad and Odyssey, or only particular portions, yet there is a great difference between this limited application of the art of writing and regular literary compositions, such as first commenced after the time of Pherecydes of Syros, about 600 B.C.; and no extensive knowledge of writing, nor any adoption of it in the education of the young, can be detected earlier than the sixth century.[4] In Sparta, however, the State which longest resisted all innovations, and most obstinately retained ancient customs, even in later times, when in the rest of Greece every man, or at least every freeman, had long since learned to read and write, the great majority of the Dorian nobles were as ignorant of this art as the heroes of the

[1] The most complete statements relating to the history of the art of writing among the Greeks are to be found in Mure, *Hist. of the Lang. and Liter. of Ancient Greece*, vol. iii. p. 397 *seq.*

[2] Strabo, vi. i. p. 259, *Serv. zu Verg. Æn.* i. 507, and the authorities produced in the *Antiq. jur. publ. Græcorum*, the evidence of whom it is true that some have tried to weaken by implication, to which number even Trutzhorn is inclined to attach himself (*d. Ensthtehung d. Hom. Ged.* p. 76).

[3] As, *e.g.*, L. Hug, *die Erfindung der Buchstabenschrift*, p. 93.

[4] To this belongs the mention of a reading-school at Chios by Herod. (vi. 27), shortly before 500 B.C.

Trojan war, as Homer depicts them. Like the art of writing, the system of weights and measures in use among the Greeks in the period of which we have most accurate information, was of Oriental origin, and even the name of the pound-weight, *μνᾶ*, is not Greek, but Semitic. The introduction of this system occurred not earlier than the middle of the eighth, or more probably the seventh, century, through the instrumentality of the Argive king Pheidon.[1] No one, however, will be so foolish as to imagine that the Greeks possessed no measures and weights previous to that time, or if any one were really to hold that opinion, he would be easily refuted from Homer. The introduction by Pheidon into Greece of this system, which, though of universal adoption in the East, was of Babylonian origin, was doubtless brought about in the interests of commerce with the East; while the fact that this occurred so late appears to favour the view that hitherto the necessity for it had not made itself felt. This circumstance by itself is therefore well calculated to moderate the ideas which many have adopted of the active communication between Greece and the East in early times.[2]

---

[1] See Böckh, *Metrologischen Untersuchungen*, p. 42; and for the date, H. Weissenborn, *Hellen. bes.* p. 77 *seq.*

[2] Cf. O. Müller, *Götting. Anz.* 1839, no. 94, p. 935.

HOMERIC GREECE.

THE Trojan war, and the train of events connected with it, which form the contents of the Homeric poems, obviously belong rather to the domain of fable than to that of history, and it has even been doubted by many whether the story has any historical ground at all. This doubt we are far from sharing. We believe that in the story of a Mysian people related in blood to the Greeks, and whose flourishing State was after a long struggle destroyed by Greek arms, we may recognise no mere picture of the imagination, but rather the reminiscence of an actual event. This event, however, belonged to the hoary antiquity of which no exact records have been retained, so that it has fallen completely into the realm of poetry, and may be painted by it in any appropriate form. This poetry, moreover, is far more ancient than the Homeric poems. The singers whose ballads have been preserved to us in the Iliad and Odyssey found a material awaiting them which had been used by many earlier bards, and reduced to a certain kind of form, and which they now developed further in their own fashion. For how long before their time the same material may have been treated by older bards it is as impossible to ascertain as it is to fix the interval between the event to which the songs refer and their own age. The attempts of the ancients to determine the epoch of the Trojan war depend upon genealogies by which later dynasties and noble houses are represented as descended from the Homeric heroes.[1] They therefore proceed from two equally uncertain assumptions: first, that these heroes actually lived at the time of the Trojan war, and, secondly, that these genealogies are deserving of belief. It is accordingly not to be wondered at that the results of the calculations founded on these assumptions harmonise very little with one another. They in fact differed by about two centuries;[2] although the calculation most universally accepted by later scholars is that of Eratosthenes and Apollodorus, according to

[1] Cf. J. Brandis, *Commentarium de temporum Græcorum antiqua ratione*; Bonn, 1857.

[2] S. Böckh, *Corp. Inscrip.* ii. p. 329 *seq.*, and Clinton, *Fasti Hellen.* vol. i. p. 123 *seq.*

which the destruction of Troy fell in the year 1183 or 1184. Now, even supposing that this calculation is really correct—which in truth can never again be conceded,—there still remains an interval between the Trojan war and the Homeric age of from two to three centuries; in so far, that is, as that age is placed at the beginning of the ninth century, a date which, it is true, is anything but certain. The Homeric poems themselves, however, as we remarked above, speak of the Trojan war as an event belonging to a remote antiquity, of which no record except traditional report has descended to the bard.[1] They, moreover, describe the heroes of the war as another generation, far surpassing the present race,[2] and living still in immediate and intimate communication with the gods, and in some cases even as born from divine parents. If, nevertheless, they are able to represent everything as accurately as if they had themselves been contemporary witnesses of the events, and if their descriptions create in us the perfect impression of a picture taken immediately from the life, yet we cannot in any rational manner recognise in this fact the result of an authentic tradition, but rather a proof of their poetic gifts. For poetry aims at the lifelike description of individual figures, and is little concerned with historical truth; and however convinced we may be that this heroic antiquity, to which the march against Troy belongs, was in many essential features quite different from that described in the Homeric poems, we are yet not in a position to supply any other representation of it. Some particular features indeed, pointing to essentially different circumstances, the bards have not completely effaced, but, on the whole, the picture which they give us would seem to correspond more to the circumstances under which they lived themselves than to those of a far-distant antiquity. Accordingly, what we can gain from the Homeric poems is not a historically certain representation, but rather a poetical description of the old heroic age, as it was reflected in the mind of the poet.[3] Since, however, we are left without sufficient means to design another

[1] *Il.* ii. 486.

[2] See, *e.g. Il.* v. 302, xii. 380, 447, xx. 285, and the acute criticism on such passages in Velleius Pat. i. c. 5. By modern critics, or at least by one of them, all these passages are considered to be interpolations. It is stated by Heuzey, *Le Mont Olympe* (Paris, 1860), p. 264, that even the modern Greeks in some places regard their Hellenic predecessors as a powerful race of giants.

[3] It has already been rightly remarked by others, *e.g.* by Curtius, *Greek Hist.* (vol. i. p. 146), that the picture of the limited authority of the princes, which we meet with in Homer even in the case of Agamemnon himself, does not properly agree with the immense monuments mentioned above, which evidently point to a condition of things which, in the age to which the Homeric poems belong, had entirely disappeared from remembrance.

picture with more pretensions to truth, we must rest content with the one we have.

In the first place, then, we find the Greek nation at this time as little united into a political whole as in any later period. It is true that a common undertaking, a war of retaliation against Troy, took place, and that Agamemnon, king of Mycenæ, stood at the head of the army which had assembled from the most different quarters of Greece, as its accepted commander-in-chief. But he was only the ruler of one large portion of the peninsula, which in later times bore the name of his ancestor Pelops,[1] and of many islands;[2] while the princes of the rest of Greece were independent kings, bearing rule each in his own district, and in no way bound to follow the expedition by any relation of dependence, but only united in this retaliatory war in consequence of a special agreement and solemn vow.[3] Homer, however, gives us no more detailed information concerning the peculiar character of this agreement, nor the motive which induced so many princes to join Agamemnon, and only leaves us to surmise that the rape of Helen by the Trojan prince, and the refusal to restore her in accordance with her own earnest desire, was regarded as a heavy injury, which summoned to revenge, not only the husband of the captive wife, as the most injured party, but also the whole Greek nation.[4] The princes and people thus united for the war are enumerated by name in an interpolated passage of the *Iliad*, the so-called Catalogue of Ships, where the number of ships provided by each, and in some cases even of the crews, is expressly stated. The number of ships according to the present text[5] is 1186, that of the various crews, if a calculation proposed by Thucydides (i. 10) is followed, would amount to nearly 102,000. The Catalogue, however, cannot be regarded as real evidence of the conception formed by the old bards of the Trojan war with regard to the divisions of Greece and the size of the allied army at the time. On several occasions it contradicts the intimations on the subject which occur in the Iliad itself, and is obviously inserted by a later hand, so that it informs us at best of the opinion of its com-

[1] In Homer this name does not appear, but in the Homeric Hymn to the Pythian Apollo. It probably points to a national name, *Pelopes*, another form of *Pelasgi*, just as the story of Pelops, the son of Tantalus, refers to an early connection between this people and Asia Minor, on which subject I will now only refer to Preller, *Mythol.* ii. 379 *seq.*, and Gerhard, ii. 179.

[2] *Il.* ii. 108; cf. Thuc. i. 9, and Usteri, *zu Wolf's Vorles. über die Ilias*, Part ii. p. 108.

[3] *Il.* ii. 286 and 339.

[4] The motive can only be conjectured; it is never definitely stated, and is even passed over in silence in many passages where one would have expected to find it mentioned.

[5] Cf. Sengebusch, *Dissert. Hom.* i. p. 142.

poser, and not of the conception of the ancient bards. Nor are we able even to ascribe it to a single composer, since in some passages it contradicts itself, and we are therefore obliged to assume that previous to the revision to which we owe the present form of the Iliad, the Catalogue had been recited by the Rhapsodi in different forms at different places, out of regard for the particular audience, and that its present form was occasioned by a not over careful revision and combination of different versions.[1]

The universal form of government in particular States appears from the Homeric poems to have been monarchy. Even if a State could be carried on for a considerable period without a king, as was the case in Ithaca during the twenty years' absence of Odysseus, yet it was none the less considered subject to the king both by divine and human law. The monarchy was regarded as a divine institution: the kings had been originally established by Zeus, and stood under his special care and protection, deriving even their origin from him or the other gods, and being for that reason called διοτρεφέες or διογενέες, while their dignity descended regularly from father to son. But side by side with the king there existed in each State a number of other chieftains who are also sometimes named βασιλῆες, and whose position above the mass of the people was in the same measure treated as a distinction granted and insured by the gods, and described by the same epithets.[2] It is true that there is no historical evidence concerning the origin either of the monarchy or the nobility which stood by its side, but it is easily conceivable, even without express evidence, that in each case the rise of individuals above the multitude may have resulted from various causes and occasions, and that individuals who were so raised by personal fitness or favourable circumstances must have acquired greater influence and greater wealth. In the same way it was natural that a distinction of this kind should become hereditary for their children. The Aristotelian definition of nobility, that it depended upon descent from rich and distinguished ancestors, or consisted in hereditary influence and wealth,[3] necessarily applied also to the nobility of the heroic age. But the severance of the nobility from the class of the general community or δῆμος appears in the Homeric poems to be less sharp and degrading than at later times it became in many States. In proof that personal fitness

[1] Against the defence of the Catalogue attempted by Mure in his *History of the Language and Literature of Ancient Greece* (vol. i. p. 508) many points might be asserted which are completely overlooked by him, if this were the appropriate place for such discussions.

[2] Cf. Nitzsch, note on *Odyssey* iii. 265 and iv. 25.

[3] Aristot. *Pol.* iv. 6 and v. 1, 3; *Rhet.* ii. 15.

even in the inferior classes was considered worthy of recognition and honour, it may be sufficient to remark that similar epithets of honour are not unfrequently conferred on persons of a lower station as well as on the nobles,[1] and also that the name ἥρως, though peculiarly the property of princes and nobles, was yet most certainly granted to every man of any position among the people;[2] and finally that even those deprived of personal freedom, like the swineherd Eumæus and the cowherd Philœtius are termed δῖοι and θεῖοι, as possessing divinely-given excellence.[3] Similarly in the intercourse between the lower and higher classes there is no excessive condescension on the one side, and no cringing submission on the other, but everywhere an unconstrained, natural, and humane behaviour is perceptible. Nowhere is there any fixed barrier recognisable by which the nobles had severed themselves from the rest of the community, as, *e.g.* by a refusal of the right of connubium, although it is true that there is no mention made of any instance of its exercise.[4]

With regard to the position of the king, and his relation to the nobles and people, but few special statements are at hand, and for obvious reasons. In the Iliad this is so, because this poem represents the king in only one aspect, as the general at the head of the army; in the Odyssey, because from the outset it introduces to our notice the State whose relations are most discussed, viz., the State of Odysseus, as in an extraordinary condition, its king having for many years been absent, and deprived of his possession of the throne. So far, however, as our accounts go, the king appears everywhere only as the first among equals. The chiefs of the noble families constitute the king's council or βουλή, and are on that account called βουληφόροι or βουλευταί, and sometimes also γέροντες, a name which was in no way limited only to the aged, but signified also "revered" or "influential" men. In conjunction with this council of Gerontes all the more important matters were transacted. When the Ætolians, being oppressed by the Curetes, seek assistance from Meleager, it is the Gerontes who send to him the formal message,[5] just as in the army before Troy a council of Gerontes, summoned by the commander-in-chief, despatched a similar message to Achilles;[6]

[1] Never however διογενεῖς or διοτρεφεῖς, which were exclusively used of the nobles.

[2] *E.g.* to the herald Mulius, *Od.* xviii. 423, and to the blind bard Demodokus, viii. 483.

[3] *Od.* xiv. 48, 401, 413, and in many other passages; cf. also xvi. 1 and xxi. 240, and Nitzsch on iii. 265.

[4] In *Od.* xiv. 202, a bastard, who is indeed the son of an influential noble, but by a slave woman, whose step-brothers, after his father's death, settle only a small inheritance on him, yet becomes son-in-law of a rich family because of his merit.

[5] *Il.* ix. 574 *seq.*

[6] *Il.* ix. 70, 89.

and, when the Messenians had carried off cattle and herdsmen from Ithaca, king Laertes, in conjunction with the Gerontes, despatched Odysseus to demand restitution.[1] We must also regard as Gerontes those ἡγήτορες in Pylus who distribute the booty, which had been taken from the Eleans, in retaliation for the robberies endured at their hands, to those who had a right to compensation.[2] Lastly, the Gerousian oath, which is said to have been taken by the Trojans, that each, according to his means, would contribute his proper portion towards the fine to be paid to the Achæans,[3] is probably to be understood of an oath which the Gerontes had to take in behalf of the people placed under their direction.

The usual form of the king's deliberation with the Gerontes appears to have been that the affairs to be settled were discussed at the common meal at the king's table. "Invite the Gerontes to a feast" is Nestor's advice to Agamemnon, when he is recommending him to summon a council of elders to deliberate on the course to be taken in the pressing danger;[4] and when Alcinous, king of the Phæcians, wishes to arrive at a decision concerning the conveyance of Odysseus homeward, he says to the Gerontes, who were at that very time assembled in his house, "To-morrow we will summon more Gerontes, entertain the stranger, and offer sacrifices to the gods"—by which a feast is evidently implied—"and then hold a council." And this was the course actually pursued on the following day.[5] It is also expressly asserted by him as a usual custom[6] that the Gerontes were entertained as guests at his house. It could not, however, have been at his house exclusively, for in Scheria the Odyssey presents us with a division of the kingdom. Twelve kings bear rule in the land, and Alcinous is the thirteenth,[7] and probably the highest, although we find that even he is invited by the rest to council,[8] and therefore, of course, entertained as a guest. Apart from this, just as a sacrifice implied a feast, so did a feast necessarily imply a sacrifice,[9] and therefore we shall probably be right in saying that this form of deliberation may have appeared, in a twofold respect, to be calculated to urge the members of the council to a friendly and united management of affairs by means of a common participation both in the feast and in the

[1] *Od.* xxi. 21.
[2] *Il.* xi. 677.
[3] *Il.* xxii. 119. The Gerousian wine also (*Il.* iv. 259, *Od.* xiii. 8) is probably not old wine, as some think, but the wine placed before the Gerontes.
[4] *Il.* ix. 70.
[5] *Od.* vii. 189, viii. 42 *seq.*
[6] *Od.* xiii. 8.
[7] *Od.* viii. 390.
[8] *Od.* vi. 54.
[9] Cf. Athenæus, v. 19, p. 192.

worship of the gods. For similar reasons we shall find in the different States at a later time the institution of public dining-clubs for the various boards of magistrates and councillors.

Nor were assemblies of the whole people an unfrequent occurrence, though the object was not so much to consult them concerning any matter, or to pass a popular decree by a regular division, as to make them acquainted with the decision already formed by the Gerontes. So Agamemnon, in the Iliad, summoned the army to an assembly, in order to announce to it the pretended retreat that had been decided upon.[1] In other cases the people is summoned in order that deliberation may be held in its presence concerning some important matter, as, *e.g.* about defence against a hostile invasion,[2] or a remedy for some urgent mischief, as in the assembly of the army called by Achilles, in the first book of the Iliad, on account of the pestilence. In the Odyssey, Telemachus summons an assembly on the advice of Mentor, merely to complain before the assembled people of the injuries committed by the suitors, and to demand their departure from his house. Halitherses rises, expresses his sympathy for Telemachus, and advises the suitors to desist from their insolent behaviour. Mentor chides the people for looking so quietly upon this behaviour without putting any check to it; while Leocritus, one of the suitors, makes an insolent and menacing reply, and demands the dissolution of the assembly; which actually takes place without any sort of result being arrived at. We therefore evidently see here an attempt, though a fruitless one, on the part of Telemachus, to obtain the assistance of the people.[3] No decree, however, is passed, and even the request of Telemachus, that a ship might be equipped for him in which to sail to Pylus, is disregarded, except by Mentor, who afterwards undertakes to assemble some comrades for him. In another passage[4] mention is made of an assembly to which the two Atridæ cause the army to be summoned, intending each to propose his opinion concerning the retreat after the capture of Troy, as to which they were at variance. Some assent to the one, some to the other, and so the assembly is dissolved without an agreement. An assembly is also called among the Phæacians[5] in order that the stranger Odysseus may be presented and recommended to their hospitality. Alcinous calls upon the chieftains and princes to provide the necessary

[1] *Il.* ii. 50.
[2] *Od.* ii. 30.
[3] Cf. *Od.* xvi. 376, where Antinous expresses anxiety lest a second attempt should meet with more success.
[4] *Od.* iii. 137.
[5] *Od.* viii. 5 *seq.*

means for his conveyance home, but there is no further mention of deliberation or actual decrees. Again, after the murder of the suitors, their followers bring about an assembly.[1] One speaker urges them to revenge; another exhorts them to remain tranquil, on the ground that the suitors had only met with justice. With this opinion more than half coincide, and depart to their homes. The others seize their arms, are opposed by Odysseus and his retainers, and a fight results, in which several are killed, until Athene intervenes, and restores peace.

The summons of the people to the assembly naturally proceeded, in the ordinary course of things, from the king, after a preliminary deliberation with the Gerontes. Yet we see, in the Iliad, how Achilles summons an assembly of the army without having previously taken counsel with the commander-in-chief,—a proceeding which, by Agamemnon at least, is not resented as an infringement upon his rights, although it must certainly be assumed that the relation of the other leaders to him did not essentially differ from that of the Gerontes. Homer therefore leaves quite undetermined the view which is to be taken of the privilege in this respect. It is not surprising that in Ithaca, during the absence of the king, for whom not even a substitute was appointed, the people should have been called together by others whenever urgent occasion arose. The summons was issued by sending round heralds, and the place of assembly is either in the neighbourhood of the royal palace, as in Ilium or the citadel, or in some other convenient spot, at Scheria, for instance, in the harbour. It was also well provided with seats, not indeed for all, but for the princes and nobles.[2] Whoever wished to speak before the people, rose from his place and received from the herald the rod or sceptre in his hand, probably as a sign that as an orator he exercised a kind of official function.[3] There was no rostrum for the speakers, but each stepped forward and stood wherever he thought that he should best be heard by all. It is not likely that the right to receive the sceptre and speak to the people belonged to any outside the nobility: there is at least no example of the kind in Homer. For Thersites, in the assembly summoned by Agamemnon, steps forward, not as a speaker with the rod in his hand, but as a petulant clamourer, and on that account is

[1] *Od.* xxiv. 420.

[2] *Od.* i. 372, ii. 14, viii. 6, 16. In ii. 56, where a distinction is made between *ἀγορή* and *θόωκος*, by the latter is to be understood only a seat for the chieftains. The *ἀγοραί* of the army before Troy, where the multitude likewise sit (*Il.* ii. 96 *seq.*, vii. 414, xvii. 247), of course only represent seats on the ground.

[3] *Il.* i. 234, xxiii. 567. Cf. Nitzsch on *Od.* ii. 35.

chastised by Odysseus both with words and blows, to the satisfaction of the whole assembly. Whether, however, it would have been resented as unseemly assumption if he had modestly but boldly delivered his opinion without insulting the general, the narrative gives us no means of judging. Even the remark of Polydamas to Hector on another occasion, that it is not befitting for a man of the people to speak in opposition to a proposal, furnishes the material for no reliable conclusion. It is, however, doubtless to be regarded as a general rule that only the nobles are allowed to speak; while the people are treated as a mere mass, in which the individual was regarded as too unimportant to be counted, either "in war or council," as Odysseus expresses himself.[1] No mention is ever made of any formal voting of the people,—the assembly only announces its approval or disapproval of a proposal by loud shouts; and if some affair was in question for the execution of which the co-operation of the people was necessary, Homer informs us of no means by which it could be forced into this against its will.

The second function of the kings is the judicial function, and as from their deliberative duties they were called *βουληφόροι*, so on account of their administration of justice they received the name of *δικασπόλοι*. But in this sphere also the Gerontes are participators in the regal office, and the question as to what kinds of judicial matters were decided by the king alone, and what by him in common with the Gerontes, can no more be answered from Homer than the other question, whether single judges might not be appointed out of the number of the Gerontes, either by the king or by the parties concerned. It is, however, evident from many passages to what an extent the administration of justice was considered as the one function of the princes, by means of which they could best gain the gratitude of their people. Odysseus can mention no higher fame than that of a blameless king, who, ruling among his people in the fear of the gods, maintains and secures perfect justice. Then the earth yields rich increase, the trees are loaded with fruit, the herds multiply, and the sea teems with fishes.[2] For the king who reigns with justice is well-pleasing to the gods, because he administers the office which he has received from them according to their will.

With regard to the form of judicial procedure, the representation on the shield of Achilles, the only one of the kind, may give us some idea.[3] Two men are there contending about the expiatory payment due for a murdered man. The one

[1] *Il.* ii. 202. [2] *Od.* xix. 108. [3] *Il.* xviii. 497 *seq.*

maintains that all has been paid; the other denies that he has received anything. The Gerontes sit as judges in the consecrated circle, which we must conceive as a space marked off in the Agora, the usual place for popular assemblies. A numerous multitude stands around, which, without being allowed any direct influence in the decision, takes a lively interest in the proceedings. On that account the contending parties in their speeches appeal not only to the judges, but also to the audience standing round, and these signify by loud applause with which of the two parties they side, and whose cause they consider the most just. Accordingly these noisy bystanders are called the *ἀρωγοί* or helpers of the contending parties,[1] a name which may recall to mind the so-called compurgators in old German law,[2] although it is true that the helpers in this Homeric trial took no oath, and, what is of more importance, their participation was quite informal, and not, as in the other case, one determined by fixed rules. Both parties are willing to refer the decision to the statement of a witness (*ἐπὶ ἵστορι*). The judges hold the herald's staffs in their hands, and rise from their seats in succession to deliver judgment. Two talents of gold are staked as a deposit, to become the property of the party who shall have represented his cause before them with the greatest exactness, *i.e.* no doubt to the man who shall best have proved his claim, and therefore have won the cause.[3] We have therefore something analogous to the *παρακαταβολή* in Attic lawsuits,—a sum deposited at the commencement of the proceedings by each of the two parties, and which the losing side forfeits over and above the loss of his cause as a *pœna temere litigandi*. It is certainly astonishing that two talents of gold should be mentioned, and this may be regarded merely as a poetic fiction, for Epic poetry ascribes a wealth in the precious metals to heroic antiquity which in reality certainly did not exist. No one, however, is able to determine the value which is to be assigned to these gold talents of the poet.[4]

A third function of the monarchy is the command of the army, which, as some consider, was intended to be expressed by the name *βασιλεύς*, from *βάσις* and *λεώς*,—a derivation in

[1] In another passage, *Il.* xxiii. 574, *ἀρωγή* is used when the judges themselves side with one party.

[2] About this it is sufficient to refer to Eichhorn, *Deutsche Staats- und Rechtsgeschichte*, i. § 78.

[3] The justification for this explanation in opposition to other differing views I have given shortly but, as I hope, sufficiently in the *Antiq. jur. pub. Gr.* p. 73. The same view is taken by Naegelsbach, *Hom. Theol.* p. 291 (2 Aufl.).

[4] Cf. Böckh, *Metrolog. Untersuchungen*, p. 33.

which we may well acquiesce.[1] In the Iliad we universally see the kings at the head of the warriors, each commanding the contingent of his own people, and only when a king is forced to remain at home by illness or extreme old age is his place taken by another. Thus the aged Peleus is represented by his son Achilles; Medon, the son of Oïleus, is at one time present in the place of Philoctetes, who was left behind ill in Lemnos. Many peoples, however, are under more than one leader. In these cases either one, viz. the king, is to be conceived as supreme lord, and the rest as his subordinates,—a relation which is expressly stated to have existed between Diomedes, Sthenelus, and Euryalus,[2] and which is evident from many passages in the case of Idomeneus and Meriones,—or the people is governed by several kings. Instances of the latter may be detected with tolerable clearness in the stories of the Epœans,[3] and, as seems to be the opinion expressed in the Catalogue of Ships, probably also in those of the Minyi in Orchomenus and Aspledon, of the Thessalian population under Podalirius and Machaon, and of the small islands under Pheiddippus and Antiphus. By the five commanders of the Bœotians, however, we are reminded of a story probably borrowed from the Cyclic poets,[4] to the effect that after the death of king Thersandrus, who had fallen in Mysia, Tisamenus, an infant child, was left as his successor, so that these five are not kings, but regents. But apart from this instance, it is obvious that we can only suppose regents of this nature, or delegated commanders, to have been taken from among the chieftains or nobles, who were themselves called *βασιλῆες*. Moreover, the statement of Aristotle,[5] that the authority of the king over his subjects was more absolute in war than in peace, lies in the nature of the case, and although the words which he quotes from Homer to prove this—*πὰρ γὰρ ἐμοὶ θάνατος*—are not to be found in our text of the Iliad, yet there are other passages which virtually assert the same thing.[6] The obligation to follow the king to war is represented as one which could not be evaded, and from which it was impossible to escape without incurring severe punishment and disgrace.[7] Apparently each family was bound to equip one of its sons as

[1] Other attempted explanations are produced by Kuhn in Weber's *Indische Studien*, i. p. 334; Pott, *Etymol. Forsch.* ii. p. 250; Bergk, in *Neue Rhein. Mus.* xix. p. 604.

[2] *Il.* ii. 567.

[3] See Eustath. on *Il.* ii. 615, and Pausan. v. 3, 4.

[4] In Pausan. ix. 5, 7, 8.

[5] *Pol.* iii. 9. 2.

[6] See the threat of Agamemnon, *Il.* ii. 391 *seq.*, and that of Hector, xv. 348 *seq.*

[7] *Il.* xiii. 669; *Od.* xiv. 238.

a warrior, and when there was more than one, the matter was decided by lot,[1] though it is possible that the obligation might be escaped by a money payment.[2]

To the functions of the monarchy already mentioned we must follow Aristotle[3] in adding also the performance of those State sacrifices which were not assigned to particular priests. The nature and meaning of the latter we shall explain on a later occasion. Frequent mention is made in Homer of the sacrifices made by kings, though they are not all of the same kind. The harvest sacrifice (*θαλύσια*) offered by king Oineus at Calydon[4] may probably be regarded as a public feast and sacrifice, just as in Pylus there is a popular holiday when 4500 men are assembled round the king, and no less than nine times nine bulls are sacrificed to Poseidon.[5] In what manner, however, the king officiated at these sacrifices it is impossible to ascertain. Another instance of a State sacrifice is the use which Alcinous wishes to institute among the Phæacians to avert the anger of Poseidon.[6] We do, however, see the supreme king in the army before Ilios taking personal part in the sacrifice, once in that offered before the commencement of the first battle,[7] and again more particularly in that which was celebrated for the ratification of the treaty struck between the Achæans and Trojans, where with his own hand he cuts off the hair of the animals sacrificed, and then slaughters them.[8] Other sacrifices offered by the kings, like that of Peleus when he dismissed his son to the army,[9] and still more certainly that of Nestor in his dwelling, where he apportions the various parts of the ceremonial between himself and his sons,[10] only bear the character of a domestic act of worship, which, together of course with the sacrifice offered on such an occasion, was managed by the house-father without the necessity for any priestly interference. Every slaughter of an animal, even for household use, was associated with a sacrifice and at the same time an offering to the Deity, and from this custom *ἱερεύειν* was used as equivalent to *σφάττειν*.[11] Although then the king sacrificed for his people, this must not be regarded as a sign that a priesthood was associated with the monarchy. He rather performs the duty because, as head of the State community, he stands to this in the same relation as the house-

---

[1] *Il.* xxiv. 400. [2] *Il.* xxiii. 297. [3] *Pol.* iii. 9. 7.
[4] *Il.* ix. 530 *seq.* [5] *Od.* iii. 5 *seq.* [6] *Od.* xiii. 179 *seq.*
[7] *Il.* ii. 402. [8] *Il.* iii. 271 *seq.* [9] *Il.* xi. 772.
[10] *Od.* iii. 443.
[11] *Il.* xxiv. 125; *Od.* ii. 55, xiv. 74, xvii. 180, xxiv. 215, and in many other places.

father stands to the members of the family. Of sacerdotal monarchy, at least in that form of the State represented to us in the Homeric poems, no trace whatever is to be found, although it is probably undeniable that in other sources of mythical tradition some isolated traces, obscure and ambiguous at the best, of some such institution may be discovered.[1] Nevertheless the regal dignity appears in Homer to be a sacred one, although this sacredness merely depends upon the recognition that even the State is a divine institution, and that those who preside over it are elected and called to their functions by the will of the gods. This also explains the hereditary character of the kingly office, which might not be withdrawn from the family which the gods had once selected. It was declared to be a universally recognised principle that the son must succeed his father in the government.[2] When there were several sons, the eldest was of course preferred, although in the old stories there are instances of partitions among several brothers, one of whom, however, probably took precedence of the rest as supreme king,[3] for there is no doubt that it was always considered undesirable for several rulers of co-ordinate authority to reign together,—an opinion expressed in Homer's words *οὐκ ἀγαθὸν πολυκοιρανίη*. If no sons were born, the kingdom probably passed through a daughter to the grandson, as, *e.g.* Menelaus becomes the successor of Tyndarus in Lacedæmon through his marriage with Helen.[4] It is true that it was not an impossible case for the son or rightful heir to be set aside, but it was considered as a serious interference with the just arrangement, and could only be successful in cases where the people viewed him with disfavour, and the gods themselves had intimated by signs that it was not their wish for him to retain the kingdom.[5] The king, however, who is once in possession of the sceptre bestowed upon him by the gods, is henceforth himself also honoured as a god if he rules in a mild and fatherly way, like a shepherd of his people;[6] and though he may indulge in many injurious acts, both by words and deeds, against the lower classes, all are endured,[7] provided that on the whole he administers his office energetically

[1] Cf. *Antiq. jur. pub. Gr.* p. 62, 2. Whether Chryses in the first book of the Iliad was only a priest, or whether he was also ruler of Chryse, is not clear from Homer.

[2] *Il.* xx. 182 *seq.*

[3] *E.g.* in Attica, where the four sons of Pandion reign, but Ægeus is the supreme ruler—Strab. ix. p. 392.

[4] From the words of Helen on the wall of Troy, *Il.* iii. 236 *seq.*, her brothers must certainly have been alive when she was carried off by Alexander; but contradictions of this kind admit of easy explanation.

[5] Cf. the words of Nestor to Telemachus, *Od.* iii. 214-15, also xvi. 95.

[6] *Il.* x. 33, xiii. 218; *Od.* ii. 230, v. 8, xix. 109-113.

[7] *Od.* iv. 690.

and well. But personal fitness is an indispensable condition, and whoever lost this did well to abdicate the throne, as, *e.g.* Laertes in Ithaca when enfeebled by old age has transferred the government to his son, and never resumes it during the absence of Odysseus, but lives in the country amid anything but regal surroundings. Similarly Achilles was anxious lest his father Peleus, being a feeble old man, should no longer be capable of maintaining his regal dignity.[1]

But just as the chieftains were entirely unable without considerable wealth to maintain themselves in their position of superiority, so the monarchy required a considerable endowment in land and revenues in order to maintain its dignity and satisfy the demands of the office. The necessary means for this were secured to the king, however, not only by his private property, but also by the crown domain, the produce of which belonged to him, and by various other gifts and offerings on the part of the people. The crown domain was called τέμενος, a name which properly signifies only some district set apart, and which was sharply distinguished from the private estate.[2] Sarpedon describes the temenos enjoyed by him and Glaucus[3] as an attribute of royalty, and when Bellerophontes in Lycia receives from Iobates his daughter in marriage, and is appointed king over half the realm, the Lycians provide him also with a temenos.[4] In the Iliad, Agamemnon offers to give to Achilles seven towns belonging to his dominions, the inhabitants of which were to render him gifts and dues,[5] while in the Odyssey Menelaus declares that he will gladly cede to Odysseus, if he decides to settle in his country, one of the towns ruled over by himself, as a dwelling-place for him and his people, and will order the previous inhabitants to vacate it.[6] In both passages, therefore, it appears necessary to understand the private possession of the kings of which they could dispose at their pleasure; and it is quite possible that some information was possessed by the poets of some such relations in the Peloponnese, where the Pelopid kings with their Achæans ruled over an earlier and subject population, and owned a considerable extent of country as private property. When Iobates however transferred to Bellerophontes the half of his kingdom, and thereupon a temenos is created for the new king, we may suppose that Bellerophontes was appointed to be sub-king with the regular consent of the Gerontes. A similar relationship may have existed in the case of Phœnix, who was made by Peleus regent over a portion of his country.[7] Also, in the

[1] *Od.* xi. 497. [2] *Od.* i. 397, xi. 185. [3] *Il.* xii. 313. [4] *Il.* vi. 19.
[5] *Il.* ix. 149. [6] *Od.* iv. 175. [7] *Il.* ix. 479.

kingdom of Menelaus, we find a sub-king at Pheræ, named Diocles, son of Orsilochus.[1]

The imposts paid by the people to the king are called gifts and dues (δωτῖναι, θέμιστες), and it may be assumed that by the latter name fixed and definite tribute is intended, by the former rather voluntary and occasional presents.[2] Thus king Polydectes in the island of Seriphus is related in the myth to have demanded from his subjects certain presents for his marriage with Danae.[3] According to a later author, the kings are said to have exacted from their subjects a tenth part,[4] and we may well assume that if whole towns and larger districts were really the private property of the kings, their inhabitants paid a portion of the produce as a tax, while in the other parts the people were free from any such impost, and probably only paid occasional duties. It may however be mentioned that in war a larger part of the booty which was made fell to the king's share as his honorary portion (γέρας), and that at the public banquets he received as his due, besides the seat of honour, larger portions and fuller cups.[5]

Nowhere is mention made of any exterior insignia belonging to the regal dignity, either in clothing or ornament. It is true that purple stuffs, carpets, and furniture are frequently spoken of, as when Telemachus and Odysseus appear in purple robes,[6] and a purple garment is presented to Odysseus when a stranger in Crete.[7] So too Helen orders purple coverings to be laid on the beds of her guests in Sparta,[8] and Achilles does the same when the aged Priam comes to him as a suppliant.[9] The seats moreover in the tent of Achilles, as in the palace of Circe and the house of Odysseus, are covered with purple coverlets,[10] while queen Arete in Scheria spins with a purple spindle, the young Phæacian women play with a purple ball,[11] and the nymphs weave purple robes.[12] The only inference, however, which can be gained from this is that purple was considered as the most

---

[1] *Od.* iii. 488 and xv. 186; cf. with *Il.* v. 546. See also Pausan. ii. 4. 1, and 6. 4.

[2] Nitzsch, on *Od.* i. 117, considers θέμιστας to be the dues paid to the king as judge, a meaning which seems to me to be too narrow. More correct is the view of Dœderlein on *Il.* ix. 156. The opposition is the same as that between φόρος and δῶρα in Herod. iii. 89, 97, and Thuc. ii. 97. 3.

[3] Cf. Tzetze on *Lycophr.* v. 838, p. 823, and Welcker, *Trilog.* p. 381.

[4] The author of a pretended letter of Pisistratus (in Meurs. *Pisistr.* c. 7), which refers the ῥητὰ γέρα of which Thuc. speaks (i. 13) to this tenth part. γέρα, however, is the general name for all honours, distinctions, and emoluments.

[5] *Il.* viii. 161, xii. 311.

[6] *Od.* iv. 115, 154, xix. 225.

[7] *Od.* xix. 242.

[8] *Od.* iv. 298.

[9] *Il.* xxiv. 645.

[10] *Il.* ix. 200; *Od.* x. 352, xx. 151.

[11] *Od.* vi. 53, 306, viii. 373.

[12] *Od.* xiii. 108.

beautiful and costly of colours, and as for this reason the most appropriate both for princes and gods. But nowhere do we find it spoken of as a special distinction of the kings, which they alone might use, and from which others, whose means might have allowed it, were excluded. Still less is there any appearance of diadems, crowns, or similar ornaments for the head, and it is also sufficiently well known that in the historical period no Greek princes wore anything of the kind before the days of Alexander the Great and his successors.[1] The only ground for considering the sceptre as a special symbol belonging to the regal dignity is the usual epithet of σκηπτοῦχοι, or *sceptre-bearing*, which is applied to kings, and the expressions in which sceptre is employed as synonymous with the regal dominion. The people are said *to be subject to his sceptre*, and *to pay their taxes under his sceptre*. Thus on every occasion we see the king bearing his sceptre, even when he is not administering his regal office, *e.g.* in the description of the shield of Achilles, where a king is represented as looking at the reapers working in the field. The word however properly signifies merely a staff to lean upon, like the Latin *scipio*, and no one could be interdicted from using one, since even a beggar's staff as well as a king's is called a σκῆπτρον.[2] We must therefore understand by the sceptre which distinguished the king only one of a peculiar form and ornamentation. It is sometimes called golden, although, as appears to follow from one passage, by this is meant only a staff studded with golden nails or nobs.[3] It is evident from the fact that priests, seers, and heralds also carried sceptres—those of the former being even adorned with gold—that the sceptre must be regarded as a universal sign of a certain dignity, or of some official position. It is a somewhat superfluous question to ask how this came about, nor can it well be answered with complete certainty.[4] It has by some been regarded as symbolical of the power of inflicting punishment, because Odysseus on one occasion used the sceptre for a rod, although this can hardly be a true explanation of the herald's sceptre, and still less of that carried by the priests and seers. Others derive it from the shepherd's staff, since kings are also called shepherds of the people. It will probably be more correct to say that it was the aged men who especially were accustomed to carry a staff, and these received a certain degree of dignity from their very age, so that from this circumstance the sceptre became associated with the idea of dignity.

[1] Cf. Justin. xiii. 3, 8, and Eckhel, *Doctrin. numm.* i. p. 235.
[2] *Od.* xiii. 437, xiv. 31, xvii. 199.
[3] *Il.* i. 246.
[4] Cf. C. F. Hermann, *de sceptri regii antiquitate et origine*; Göttingen, 1851.

To this must be added, that in circumstances when business has to be transacted in public with a multitude, or speeches made, nothing is more convenient than a staff, whether it is used to assist demonstration, or to avoid the necessity of speaking with empty hands. Finally, the old sceptre was a tolerably long staff, not unlike the shaft of a spear, on which account it was sometimes called δόρυ, and by the Romans *hasta pura*.[1]

Nowhere is mention made of any personal service rendered to the king as such. He had his own slaves, like every other well-to-do man, from whom he received service, and this state of things continued for a long period, and even in Rome under the earlier Cæsars there were only *modesta servitia*.[2] The only functionaries who can be considered as the public and officially appointed servants of the king were the heralds. They are numbered among the δημιουργοί, or those who exercised some useful function for the commonwealth,[3] while they are not only of free birth, but in some cases men of large property, like Eumedes, the father of Dolon in Troy,[4] and therefore live not with the retinue of the king in his house, but in dwellings of their own.[5] Those too who were called to this office were men of intelligence and experience, many of them indeed being usually distinguished by epithets implying this kind of praise,[6] and we must therefore assume that the office was conferred by means of election—this of course being in the hands of the king—on those who appeared to be fitted for it. The statements made in old commentaries with regard to the hereditary transmission of the office[7] finds no support in the Homeric poems themselves, although it is true that in later times we do find here and there certain families in the hereditary possession of offices of this kind. The herald, however, like the king, was regarded as an officer whose calling and functions stood under the special protection and oversight of the gods. He is loved by Zeus, is called a messenger of Zeus,[8] and in consequence even among the enemy is regarded as inviolable.[9] For this reason he is sent as ambassador to the enemies' camp, or attached to other special missions. By the agency of the heralds the assemblies are summoned together, and when they have met, it is they who attend to the arrangement of

[1] Justin. xl. iii. 3. The sceptre of Agamemnon shown as a relic at Chæronea is there called δόρυ. Pausan. ix. 40. 6.

[2] Tac. *Ann.* iv. 7.

[3] *Od.* xix. 134.

[4] *Il.* x. 315, 378 *seq.*

[5] *Od.* xv. 95.

[6] *Il.* vii. 276, 278, xxiv. 282, 325, 673.

[7] Cf. Eustath. on *Il.* x. 314, p. 808, 15; xvii. 323, p. 1108, 40, and on *Od.* ii. 22, p. 1431, 61.

[8] *Il.* viii. 517, i. 334, vii. 274.

[9] Cf. Eustath. on *Il.* i. p. 83.

business and the good behaviour of the people, while whoever rises to speak receives his staff from their hands. Similarly, their presence was usual in judicial proceedings, when the judges received from them their staves of office. They officiated moreover in the sacrifices offered by the princes, leading up the sacrificial animals, and performing various other kinds of active ministration. They undertook, nevertheless, various menial offices in the houses of the kings, especially at feasts, which were usually shared by a number of guests belonging to the Gerontes. In short, they appear as the Therapontes of the king, with a very wide range of duties.[1]

This same expression—Therapontes—however, is applied even to men in the position of nobles or princes, who associate with the king as intimate friends, and of their own free will render him all kinds of service and assistance. In war, where they fought from chariots, these Therapontes usually guide the reins while the king uses the weapons, and so we see Meriones, though himself a leader, serving as charioteer, and Therapon to Idomeneus, Patroclus and Automedon to Achilles, and Thrasydemus to Sarpedon.[2] In peace and at home they were also no doubt of assistance to him in the duties of his office. No organised magistracy at that time existed; the king, with the Gerontes, is the holder both of the administrative and executive power, and they it was who on each particular occasion not only deliberated on what was needful, but also took measures for carrying it into execution.

Distinct from the king and his council, the only special officials who existed were the priests, or those set apart for the superintendence of the religious worship, who to a certain extent may be regarded as magistrates, and whose duty was to attend to the worship of some particular deity in his sanctuary. These sanctuaries were either temples or altars standing in the open air, usually perhaps surrounded with a grove, but always with a separate piece of ground (*τέμενος*), which was regarded as the personal property of the god. The only temples specially mentioned in the Homeric poems are that of Athene at Athens, and that of Apollo at Pytho or Delphi;[3] but that no town can be supposed to have been without its temple may certainly be inferred from a passage in the Odyssey, where a

[1] For the complete enumeration of them see Kostka, *de præconibus apud Homerum, Progr. des Gymnaziums zu* Lyck. 1844. No distinction between public and private heralds, such as Ameis assumes in *Od.* xix. 135, can be proved, nor is any such distinction maintained by Hermann, *Lehrbuch d. Gr. Antiq.* vol. i., sec. 8, 16, to whose authority Ameis appeals.

[2] *Il.* xiii. 286, xvi. 165, 244, 464, 865.

[3] *Il.* ii. 149, ix. 404; *Od.* viii. 80.

description is given of the foundation of the town of the Phæacians by Nausithous. "He constructed a ring-wall," it is said, "built houses and temples and apportioned the fields."[1] In the same way the companions of Odysseus vow to Helius the foundation of a rich temple after their return home, in expiation of the insult which had been offered him,[2] and mythical histories assign the foundation of many renowned temples to the heroic age. Altars with a consecrated plot of ground are possessed—we shall only here make mention of those found in Greece itself—by Sperchæus the river-god in Phthiotis, by the Nymphs in Ithaca, and by Apollo in the same place.[3] Over sanctuaries of this kind the priests preside, and superintend the worship of the god which was conducted in them. There is also no doubt that the co-operation of the priests was requisite for any acts of worship which were here performed by any other person. This, however, was the limit of the sacerdotal office as such. No mention of priests is found in connection with those acts of worship which were performed elsewhere, whether in domestic sacrifices, or those which the kings, as heads of the State, offered in behalf of the people. The office therefore was merely attached to some sanctuary, over which the priests presided, the measure of their importance depending upon the degree of reputation which this enjoyed. No trace can be discovered of any political power, or of any influence exercised by them either in the council of the king or the assemblies of the people. In Ithaca they do not appear at all, and though some one or two may have been found in the army before Troy, it is by no means certain that they were.[4] At least they could only have been present as combatants, not as priests, since, as we have said, the priestly function was associated with some sanctuary. But this very fact makes the statement of the ancients[5] more credible, that the priests were exempted from military service.

Apart from this, it is easily intelligible that the priests were conceived as standing in a nearer relationship than other men to the deity which they served, and in or near whose sanctuary their daily life and associations were centred. They were believed therefore to be the peculiar recipients of divine revelations, and it was to them that men turned, in order by their

[1] *Od.* vi. 9 *seq.* [2] *Od.* xi. 345.
[3] *Il.* xxiii. 148; *Od.* xvii. 210, xx. 278.
[4] For it is by no means necessary, in *Il.* i. 62, to suppose that Greek priests are intended, as Nägelsbach, *Hom. Theol.* p. 201, remarks.
[5] Cf. Strab. ix. p. 413. It is evident that this only applies to expeditions beyond the country. In the Trojan war even a priest of the Idæan Zeus was one of the combatants, *Il.* xvi. 604.

mediation either to learn the cause of divine wrath, or to pray for the divine protection.[1] These were the peculiar functions of the *ἀρητήρ*, who derived his name from the offering of prayer. Each priest then lived in the enjoyment of some important sanctuary, and, though without political power, possessed considerable influence, and indeed was venerated among the people "like a god."[2] No mention is made in the Homeric poems of the qualifications which were necessary for the priestly office, but we may assume that in the heroic age, as in later times, bodily soundness was regarded as indispensable. The example of Theano, the Trojan priestess of Athene, shows that many priesthoods were conferred by election, and it is quite certain that only members of influential houses were chosen. There is no ground, however, for doubting the existence, even at that early time, of hereditary priesthoods, tenable, that is, only by members of a certain family or gens, since the reasons which led to the hereditary transmission appeared in those days with even greater frequency than at a later time. Thus, when a sanctuary had been founded by certain individuals, or the worship of certain families or gentes had from some cause or other gained a greater reputation, and been raised to the position of a common and popular worship, it was perfectly natural that the families or gentes concerned should also be regarded as the legitimate holders of the priesthood.[3] It is however certain that in other respects there was no manner of distinction between these families and other classes in the State. A sacerdotal caste was entirely unknown.

By the side of the above-mentioned division of the people into the class of nobles or lords, and the commonalty, there are some traces discoverable of another partition into Phylæ and Phratriæ (*κατὰ φῦλα, κατὰ φρήτρας*), although concerning the peculiar nature or the political importance of these no reliable information can be gained. Old commentators suppose that the passage of the Iliad (ii. 362), where Nestor advises Agamemnon to divide the army by Phylæ and Phratriæ, is to be explained in this way—that by the former name whole nationalities are to be understood, such as Cretans, Bœotians, and so on; while the latter signifies only subdivisions of these.[4] This explanation can hardly be correct; or at least it is inconsistent with other passages, where the Rhodians, although they

[1] *Il.* i. 62.
[2] *Il.* v. 78, xvi. 605.
[3] Cf., *e.g.*, Herod. iii. 142, vii. 153; *Schol. Pind. Pyth.* iii. 137.
[4] Apollonius, *Lexicon Homericum*, *sub voc. φρήτρη*, and Eustath. on the passage in question.

constitute a single nationality, under a single leader, Tlepolemos, and therefore, according to these expositors, would be a *φῦλον*, are described as dwelling according to a triple division into Phylæ (*καταφυλαδόν*),—one portion at Lindus, another at Ialysus, and a third at Cameirus.[1] Again, when one passage of the Odyssey states that Achæans, Eteocretæ, Cydonians, Dorians, and Pelasgians dwelt in Crete,[2] these can hardly be regarded as all one *φῦλον*; it would be more correct to assume at least five Phylæ, and probably even more, since the epithet *τριχάϊκες*, here assigned to the Dorians, is rightly referred to the distribution of this race into three Phylæ, a distribution we shall have to mention in the sequel, although it is true that this is not entirely certain. Once more: if the subjects of Peleus in the Pelasgian Argos have three distinct names—Myrmidones, Hellenes, and Achæans[3]—how is it possible to assume less than three Phylæ? And, lastly, on the island of Syria,[4] though doubtless this only belongs to mythical geography, there are two towns under a single king, and we may therefore, from the analogy of Rhodes, suppose that here, also, two Phylæ were to be found. We shall say accordingly that Phylæ were the larger divisions of the nation, while Phratriæ were the subdivisions of the Phylæ, and that the names have no other signification in Homer than the corresponding terms *φυλή* and *φρατρία* in later times.

An intimation of the presence of settlers or strangers dwelling in the land, but not belonging to the people itself, seems to be contained in the words of Achilles, when he complains that Agamemnon had treated him like "a despised settler."[5] The Greek expression *μετανάστης* exactly corresponds to the term *μέτοικος* which was later in use, and the epithet joined to it, as indeed the whole comparison, clearly implies that these settlers, excluded as they were from the community of rights possessed by the children of the land, were more readily exposed than others to all kinds of mortification.

Whether, in the heroic age, there existed in any part of Greece a class of serfs similar to the later Helots of the Spartans or Penestæ of the Thessalians, is a question which must for the present be left undecided. Some have held that

[1] *Il.* ii. 668, 655.

[2] *Od.* xix. 175.

[3] *Il.* ii. 684.

[4] *Od.* xv. 412. I hope to prove elsewhere that the island of Syria, the fatherland of Eumæus, was only mythical. That we are not to suppose the island of Syros to have been intended has been already remarked by W. G. Clark (*Peloponnesus*, etc., London, 1858), as I see from Curtius's notice concerning the book, which I have not been able to obtain, *Göttingen Anzeiger*, 1859, St. 201, p. 2002.

[5] *Il.* ix. 644, and xvi. 59.

there was such a class, but no indication of anything of the kind appears in Homer, although it is true that no testimony on the other side can be derived from him. The terms used by him to describe those destitute of personal freedom are δμῶες, οἰκῆες, and δοῦλοι,[1] the latter, however, appearing very seldom. The first may have originally signified properly only those who had been subdued, either in war or in some violent manner, and therefore would be a completely suitable term to describe a class of slaves composed of an earlier and conquered population of the land, similar to the Helots and Penestæ, although the word cannot serve as a proof of the existence of such a class. Οἰκῆες, like the later form οἰκέται, signified generally domestic servants and members of the household, and may therefore even be used of freemen. The application of this term to slaves[2] may probably be explained as a mild and euphemistic description of their position, and with this view the particular references to the subject coincide. For we find no evidence of harsh, oppressive, or contemptuous treatment of slaves, such as often occurs in later times; nor is there any wide gulf between their position and that of freemen, while their personal worth frequently meets with recognition, as is shown by the fact that on some of them even the honourable epithet of "god-like" was bestowed.[3] Eumæus, who, it is true, was not born a slave, but was a king's son,[4] reduced to bondage by Phœnician kidnappers, appears in relation to Telemachus rather in the light of a fatherly friend than of a slave, and, as chief manager of the herds of swine, exercises authority in his service like a ruler of men (ὄρχαμος ἀνδρῶν).[5] He possesses, moreover, a *peculium*, in which slaves of his own were included;[6] and had Odysseus remained at home, might confidently have reckoned that his master would confer on him a house and estate of his own, together with a much-courted wife. By this emancipation is probably

[1] The fact that only the feminine form δούλη is found I should consider accidental, nor should I explain the fact that even this only occurs twice (*Il.* iii. 409, *Od.* iv. 12) by the distinction of meaning between δοῦλος and δμώς, which Nitzsch on the *Od.* (*loc. cit.*) assumes. For that the transition from freedom into slavery is by no means implied by δοῦλος, as Nitzsch supposes from the expression δούλιον ἦμαρ, is clear from the phrase δουλοσύνην ἀνέχεσθαι, used of the δμωαί of Odysseus (*Od.* xxii. 423), who nevertheless can scarcely be described as free-born; while in *Od.* xxiv. 252, δούλειον εἶδος is certainly not the appearance of a free-born man fallen into slavery, but that of a genuine slave.

[2] *Od.* iv. 245, xiv. 4, 63.

[3] See above, p. 23.

[4] *Od.* xv. 413 *seq.*

[5] *Od.* xv. 350, 388, xvi. 36. The same expression is used of the cowherd Philœtius, xv. 185, 254.

[6] *Od.* xiv. 449.

to be understood,[1] just as in another passage, where Odysseus promises to the slaves who have remained faithful to him that he will give them wives and property and houses next to his own, and that they shall be like brothers to Telemachus.[2] For the rest, there are no indications of the existence of a numerous class of slaves. It was only princes and chieftains who possessed many, and these they either gained as booty in warlike expeditions, or bought from the piratical Phœnicians or Taphians.[3]

Free persons of the lower classes who served another man for hire were called *θῆτες*. Thus Odysseus, when he appeared as a beggar, is asked by one of the suitors whether he was unwilling to serve as a *θής* upon his estate, and is assured that he should receive sufficient pay.[4] It may, moreover, be inferred from the fable of Poseidon and Apollo, who, at the command of Zeus, were obliged for a year to serve as delvers in the kingdom of Laomedon for a fixed wage,[5] that this arrangement was usually concluded for some fixed period of longer or shorter duration, out of which, in some cases, a life-long connection might arise, and even descend to the next generation. Thetes and slaves are mentioned in close connection in the household of Odysseus,[6] and by the strangers who, together with the slaves, watch his flocks on the mainland opposite,[7] we shall naturally understand hired servants, and therefore Thetes. On the other hand, the *ἐριθοι*, mentioned in some few passages, appear to be invariably those labourers who are bound to execute in common some definite task, as to mow a field, to undertake the washing of clothes, to weave a quantity of wool, in all of which employments they showed the greatest emulation in their desire to become adepts.[8] They might be either freemen or slaves.

The commoner labours involved in agriculture, cattle-breeding, and the like, were naturally left, for the most part, by the wealthy classes to their slaves, while they themselves only

[1] *Od.* xiv. 62. The fact that elsewhere emancipation of slaves is nowhere mentioned can hardly be regarded as a valid reason against the supposition. The later poets, moreover, represent the faithful slaves of Odysseus as having been freed, and admitted among the citizens, and even derive some gentes in Ithaca from them.—Plutarch, *Quæst. Gr.* no. 14.

[2] *Od.* xxi. 214.

[3] *Od.* i. 398, xv. 427, 483, xvii. 422.

[4] *Od.* xviii. 356.

[5] *Il.* xxi. 441 *seq.*

[6] *Od.* iv. 644.

[7] *Od.* xiv. 102.

[8] *Il.* xviii. 560; *Od.* vi. 32. The derivation of the word from *ἔρις*, *emulation*, is more correct than that from *ἔριον*, *wool*. Cf. *Od.* vi. 92, xviii. 365, and in Quintus Smyrnæus, viii. 280; Anthol. Palat. vi. 286. 6. The *ἐριθοι* in the first of the two passages quoted, who work at the harvest on the *τέμενος* of the king, are certainly slaves, who would otherwise have been passed over in silence, since it cannot be assumed with certainty that the king had none but hired labourers.

undertook the oversight, as we find the prince doing at the harvest on the shield of Achilles. The aged Laertes, it is true, labours hard in his garden,[1] but he evidently only does so that he may not be unemployed, and because he has nothing better to do. The princes described as among the oxen or sheep-folds, as Anchises, Æneas, Antiphos, the brothers of Andromache,[2] are evidently only to be regarded as overseers, or, in case of necessity, as protectors. The feminine tasks of spinning and weaving, however, are performed by the queens themselves in common with their handmaids, while the king's daughter, Nausicaa, drives with her maidens to the washing-station, though it is possible that she may have left the dirtier work to them. The youngest daughter of Nestor actually ministered to her father's guests in the bath.[3] It is less surprising that the sons of Priam should have harnessed his chariot for him, or that the brothers of Nausicaa should have unharnessed hers,[4] for familiarity with horses and chariots was never considered incompatible with nobility, and even at the present day is included in the "sports" of our young men. Nor is it more astonishing that princes and nobles should have taken personal part in the slaughter of animals, and the preparation of their flesh,[5] when we remember that every slaughter was at the same time a sacrifice, and that the meal was prepared for a similar purpose. Those handicrafts, moreover, for which art and skill were required, were also considered not derogatory to princes. Odysseus has adorned unaided an artistically designed bedstead for his own use, and shows himself also familiar with shipbuilding,[6] while Paris labours himself at his own house in company with the most excellent architects of Ilius.[7] There were therefore persons who acted as artists and handicraftsmen by profession, and these, from the fact that their art was of use to the general community, were ranked among the Demiurgi, or workers for the people, along with heralds, bards, and physicians[8] (though under the latter term we must understand principally surgeons, since no certain traces are to be found of the cure of internal maladies by means of medicines).[9] Demiurgi of distinguished skill were

[1] *Od.* xxiv. 226 *seq.*
[2] *Il.* v. 313, vi. 423, 4; xi. 106, xx. 188.
[3] *Od.* iii. 464.
[4] *Il.* xxiv. 263 *seq.*; *Od.* vii. 4, 5.
[5] *Il.* ix. 206 *seq.*
[6] *Od.* xxiii. 189, v. 225.
[7] *Il.* vi. 314.
[8] *Od.* xvii. 382, xix. 135.
[9] The wholesome or destructive enchantments, such as the pain-soothing Nepenthes (*Od.* iv. 221), or those by means of which Circe transformed men into swine, certainly appear to point to a knowledge of means which are of effect internally, but there is at least no evidence that they were ever applied to the cure of sickness.

regarded as especially favoured by the gods who presided over the arts, especially by Athene and Hephæstus.[1] Whoever therefore needed some work performed which he was not able to do himself, or by means of his slaves, was obliged to have recourse to a Demiurgus, and to pay for the accommodation.[2] Of any disparagement of mechanical labour no trace is to be found.

Artistic wares, for the production of which the skill of the native labourers was insufficient, were imported from foreign lands, and the most precious possessions in the treasure-chambers of the heroes, such as vases of gold and silver, and costly robes of many colours, are described as the work of Sidonian artists.[3] The question whether Phœnician merchants always brought their wares to Greece, or whether we may assume the existence also of some Greek commerce with Phœnicia, we shall treat on a later occasion; for the present it will be more convenient to refer to that other question which in the Odyssey is put by Nestor to Telemachus, and by the Cyclops to Odysseus himself,—Whether they were traversing the sea in pursuit of business, or whether they were pirates placing their lives at stake, while they rove the main and bring ruin on other men.[4]

Thucydides discovered in this question the proof that piracy, or, more properly speaking, robbery, committed by bands of men disembarking on some foreign coast, was not considered unjust or dishonourable, but was rather the source of renown. This opinion, however, often repeated, and sometimes even exaggerated by modern writers, in implying a complete absence of justice in relation to foreigners, is by no means supported by the Homeric poems, and has already been contradicted by Aristarchus, not only the acutest critic, but also the most thorough student and expositor of Homer.[5] In the first place, it would at least require modification in this, that robberies of this nature only appear to have been tolerated towards

---

Another kind of enchantment was the spell, ἐπαοιδή, by which the blood was stopped.—*Od.* xix. 457.

[1] *Il.* v. 60 *seq.*, xv. 411; *Od.* vi. 233.

[2] Nitzsch supposes, in his note to *Od.* iii. 425, that these people were usually paid by being provided with victuals, and appeals to *Il.* xviii. 560, and *Od.* xv. 316 (where, however, no mention is made of Demiurgi), and also to *Od.* xvii. 383, where καλεῖν is supposed to mean "to invite to table," which, in the first place, it is unnecessary to assume, and, in the second place, other kinds of payment are not excluded, and must indeed have been received by the wool-worker in *Il.* xii. 435, who had her children to maintain by her work.

[3] *Il.* vi. 289, xxiii. 741.

[4] *Od.* iii. 72, ix. 254.

[5] *Vide Schol. ad Od. iii.* 71; Eustath. p. 1453; Sengebusch, *Diss. Hom.* i. p. 142.

those foreigners with whom the nation of the robber was not on friendly terms. Thus in the Odyssey we read that the father of Antinous, one of the suitors of Penelope, was nearly killed by the people of Ithaca, because he had joined himself with the Taphians on a plundering expedition against the Thesprotians, who were friends, ἄρθμιοι, of the Ithacesians.[1] Whether we are to understand by this a friendship compacted by a definite alliance, or only the kind of friendly relation which usually existed between nations not at feud with one another, we must leave uncertain, but it is impossible to doubt that neighbouring peoples were as a rule on friendly terms with one another. There is, however, express evidence that robbery was universally regarded not as the source of renown, but as an outrage, a ὕβρις, which had to fear the vengeance of the gods.[2] The fact that Odysseus plundered the coasts of the Cicones cannot be cited as an objection to this view, for the Cicones belonged to the allies of the Trojans, and were therefore enemies.[3] Nor is it conceivable that these injuries inflicted on peaceful foreigners by every adventurer to their coasts, should have been considered honourable or allowable by a people who in their own home regarded all injuries committed against strangers as crimes against the divinities who upheld the rights of guests and foreigners.[4]

Among the members of the State the maintenance of justice was likewise secured, not indeed by definite legal ordinances, but by custom and the moral consciousness, which created a traditional state of order, for the preservation of which kings and princes held their power, and which assumed an essentially religious character, in so far as the State and its organization was considered as an institution depending upon the gods, and standing under their protection. Whoever violates this order incurs the punishment of Zeus, who avenges the miscarriage of justice in the courts by disastrous plagues, while perjury remained not unpunished by the gods; and whoever in overweening confidence in his own might despises the dictates of justice, recognised with penitence in the stroke of misfortune the deserved punishment of heaven, from whence the immortals in person often descended to roam the earth under human form as

[1] *Od.* xvi. 427.

[2] *Od.* xiv. 85, 88, where ὅπις, according to its recognised meaning, can only be understood of divine vengeance. *Vide* Nitzsch on *Odyss.* v. 146; Dœderl. *Gloss.* p. 256. We must also note the expression μαψιδίως, *Od.* iii. 72, ix. 253.

[3] *Il.* ii. 846, xvii. 73. The slaves carried off by Odysseus, *Od.* i. 397, cannot be brought as an objection, since it is anything but certain that he seized them on a plundering excursion, and not in honourable war.

[4] Cf. by the way *Antiquitates juris publici Græcorum*, p. 374.

strangers, that they might observe the violent deeds not less than the well-doing of mortal men.[1] The Homeric poems are full of expressions of this and a similar nature; and if the manner in which they represent to us the life of men is carefully examined, it will hardly be maintained that this heroic age on the whole is depicted as less moral than the later generations who live under special legislation, although, in many points, it is true that manners may have been softened in the course of time, and that more correct ideas concerning right and wrong may have been acquired. In no instance is the life of the Greeks savage and unrestrained; observance of right and custom is the rule, while breaches of them are exceptional, and occurred with no less frequency in later times than in this early period.

We should be most inclined to recognise a proof of greater savagery in the manner of proceeding with respect to murder. Several instances of this have come down to us, but they are not calculated to afford us full and certain information with regard to all the questions which present themselves. This much, however, is clear,—that the punishment of murder was merely regarded as an obligation lying upon the blood-relations of the murdered person, no mention being ever made of any interposition of the State authority. "Shame were it in sooth even for a late posterity to hear of, if we take not vengeance on the murderers of our sons and brothers"—so speak the relations of the suitors whom Odysseus slew.[2] The idea, however, of the Mosaic as of the later Greek law, that blood defileth the land, which can only be purified from the blood that has been shed by the blood of him who shed it,[3] we do not yet meet with, and the custom of our German ancestors of fixing some pecuniary expiation for blood seems also to have prevailed among the Homeric Greeks. The murderer was obliged to pay a fine to the relations of the murdered person, by means of which he purchased immunity from further prosecution, though, in the contrary case, if he failed to appease the relations in this manner, he was obliged to flee the country. "Even from the murderer of a brother or a son, who are slain, is the atoning fine received, and he remains at home in the land when he has paid a goodly sum for the blood, for the hearts of all men are softened and their violent wrath appeased when they receive the penalty."—With these words Aias[4] exhorts Achilles to reconciliation; while with regard to the opposite case it is said in another passage, "For

[1] *Od.* xiii. 213; *Il.* xvi. 384, iii. 279; *Od.* xviii. 138 *seq.*, xvii. 485.
[2] *Od.* xxiv. 433.
[3] Numbers xxxv. 33.
[4] *Il.* ix. 631.

whoever kills a man, though he be but one of the people, and leaves few defenders behind him, must nevertheless flee away and leave his own family and his home."[1] This passage, however, seems to justify the conjecture that the flight of the homicide was not caused merely by fear of the blood-vengeance of the relations, but by another motive in addition. For a powerful man opposed to weak and humble enemies might possibly have been able to set himself above this cause of fear, and yet it is expressly stated that the murderer must flee, even though the avengers of blood are few. There is nowhere the slightest indication to be found that in such cases the State authority came to the assistance of the murdered man's relations, nor is there more reason to suppose that a religious motive came into play, and that the murderer was considered unclean; so that, unless he fled from the land in which he had shed the blood of one of its children, he would call down the punishment of the gods both on himself and on all those who consorted with him. The idea of this kind of pollution appears, indeed, to be completely foreign to the Homeric age, and the expressions which occur so often, as applied to it, in later times, such as ἄγος, μύσος, μίασμα are never found in the Iliad and Odyssey. It is necessary therefore to give up as untenable the opinion of some authorities,[2] who wish to discover in this early period the need of a religious purification of the murderer by certain ceremonies, and to explain the necessity of flight, even from before weak and uninfluential enemies, from the fact that, without reconciliation with the relatives of the murdered person, the murderer could have no part in the purification of the land. It apparently therefore only remains to say that the danger to which the life of a murderer was always exposed from the relatives of his victim, who were not only justified in but bound to a blood-revenge, even when they were but few in number, must have been great enough to compel him to flight. There can, however, be no doubt that this is to be accounted for by the fact that public opinion placed itself on the side of the avenging relatives, and regarded the slaughter of a murderer, who remained in the country without making atonement to these, as a just punishment for which no second revenge might be taken. In this, it is true, a certain religious motive may be discovered, not, however, the specific reason that murder was a sin against the gods, which involved special pollution and needed special purificatory

[1] *Od.* xxiii. 118.

[2] Of whom I was one myself, *Antiquitates juris publici Græcorum*, p. 73, and on Æschylus's *Eumenides*, p. 66.

rites, but rather the general consideration that every offence is visited with the displeasure of the gods. This is always to be assumed without question, even when there is no express statement of the fact.[1] When, *e.g.* it is said of Phœnix that he had refrained from slaying his father because he feared the talk of the people and the many reproaches of men, and shrank from the title of parricide,[2] it is true that no allusion is made to the divine displeasure; but no one will be so foolish as to draw the absurd conclusion, that parricide was not regarded as a crime hated by the gods—a conclusion, indeed, scarcely deserving refutation. It is much to be regretted that the Homeric instances of fugitive murderers afford no information on the question whether a distinction was made between intentional and unpremeditated, excusable and criminal slaughter, such as was found in the Mosaic as well as in later Greek law. Nor can we determine whether it was merely left to the pleasure of the relatives of the murdered person to rest content with a pecuniary compensation, and to abstain from the prosecution of the murderer, or whether a different procedure was usual for different cases. Out of the six instances of murderers who fled their country, there are four[3] in which the murderer is himself a relative of the murdered person, and we may assume that in such cases release by payment of blood-money was not invariable. Whether in these four cases intentional murder or unintentional homicide had occurred is not stated. In the fifth instance,[4] where Patroclus, when a boy at play, unintentionally killed another boy with whom he was angry, it is not clear whether the victim was a relation or not. In the sixth case, however,[5] the murderer, Theoclymenus, must certainly be considered as unrelated to the murdered person; but whether he took to flight because the relations refused reconciliation, or because he was unable or unwilling to pay the satisfaction demanded, remains uncertain. It is clear, however, from the above-quoted exhortation of Aias to the too-wrathful Achilles[6] that obstinate implacability on the part of the relations was not approved. The penalty was probably decided by agreement in each particular case, and nowhere, as in the ancient German law, do we find allusion to fixed or customary punishments. The judicial contest described

[1] Cf. Curtius, *History of Greece* (i. p. 150, English trans.), who however goes somewhat further than I should venture.

[2] *Il.* ix. 457 *seq.*

[3] *Il.* ii. 665, xiii. 696, xv. 335, xvi. 573.

[4] *Il.* xxiii. 85 *seq.*

[5] *Od.* xv. 224. Another example adduced by some from the Odyssey, xiii. 259 *seq.*, is not a case in point, as the reader may easily convince himself by a careful examination of the passage.

[6] Cf. also the passage of the Litæ, *Il.* ix. 498-508.

in the account of the shield of Achilles is concerned not with the amount of penalty to be paid, but only with the question whether the debtor had actually paid at all, which he affirms, while his adversary denies it. We have therefore in this case only a summons for debt or private suit.

Other kinds of judicial business and procedure concerned with private law, such as buying, selling, hiring, and the like, which of course were not unknown in the heroic age, are mentioned by Homer only seldom and cursorily. We may assume that Hesiod's precept, not to transact legal business, even with a brother, without witnesses,[1] was observed also in these earlier times. It proves that in business of this kind foresight was displayed in securing the means of proof which might be available before the court in case of a disputed title. A summons before the court, and the determination to leave the matter to be decided by the statements of witnesses, we find in the already often-quoted lawsuit on the shield of Achilles,[2] while a challenge to make a solemn statement on oath, extrajudicially it is true, occurs in another passage, where Menelaus calls upon Antilochus to swear, as justice demands (ἦ θέμις ἐστί), that he had not intentionally wronged him in the chariot race.[3] Similarly, an instance occurs of an invitation to accept the decision of an arbitrator. Agamemnon is asked to decide whose chariot was the first, that of Idomeneus or that of the Locrian Aias.[4] The expression used of the arbitrator is ἴστωρ, "the man who knows," a term which is also applied, instead of the usual words μάρτυς and μάρτυρος, to the witness, the double application of the word admitting of an easy explanation.[5] We also find the description of a wager in which the gods are invoked as witnesses. In the event of Odysseus returning home within some period agreed upon, Eumæus agrees to provide the beggar, who is no other than the disguised Odysseus himself, with fresh raiment, and to convey him to Dulichium, while in the contrary event he is to be allowed to kill him.[6]

The marriage ceremony, moreover, is to be regarded as a legal contract which the father of the bride, or whoever else it is who has her under his power, concludes with the suitor. The choice of a wife is usually left by the son to his father. Thus Achilles remarks, when he rejects the proffered daughter of Agamemnon, "Peleus will himself seek me out a wife;"[7]

[1] Hesiod, *Works and Days*, l. 371.
[2] *Il.* xviii. 501.
[3] *Il.* xxiii. 584.
[4] *Ibid.* l. 486.
[5] So in the Solonian laws the witnesses are called ἰδυῖοι, those who know, and in the Frisian jurisprudence the witness is Wita. *Vide* Richthofen, *Friesisches Wörterbuch*, p. 1153.
[6] *Od.* xiv. 393.
[7] *Il.* ix. 394.

and we find Megapenthes, the son of Menelaus, provided with a wife by his father.[1] Mythical history contains several instances of the fact that a father sometimes offered the hand of his daughter as a prize for victory in some contest appointed for the purpose, or for some other kind of exploit. The Odyssey mentions an instance of the kind, where Neleus offers his daughter Pero to the man who shall bring him the cattle of Iphicles from Phylace.[2] The rule, however, is that the suitor offers a price to the father of the maiden, consisting of cattle or some other valuable property, to which the name of ἔδνα is applied.[3] It was quite exceptional for a wife to be gained without a payment of this kind, and only happened as the result of some particular occasion, as when Agamemnon offers one of his daughters to Achilles without any ἔδνα, and is even willing to add valuable presents in order to propitiate him.[4] The father, however, to whom this price is paid makes in return a more or less handsome provision for his daughter, and the dowry so bestowed was described by the same name of ἔδνα,[5]—for προῖξ, the term later in use, never occurs in Homer in this sense, nor does φέρνη appear to have been known to him. The gifts which Agamemnon promises to Achilles, if he will become his son-in-law, are called μείλια,[6] which has incorrectly been regarded by some authors as a usual name for the dowry;[7] it is only employed here because the especial object of these gifts was to soothe the wrathful hero, and this circumstance also accounts for their extraordinary magnitude. But certainly no man of wealth or consideration allowed his daughter to be wooed without a magnificent dowry, and the gifts demanded from the suitors (ἔδνα) are accordingly to be explained, not so much as a purchase-price—though this may originally have been their signification,[8]—as an indemnification for the dowry to be expected, by which, it is true, in the case of much-courted brides, where one suitor sought to outbid another, it might often happen that the father received much more than he himself subsequently gave away as a dowry for his daughter. If,

[1] *Od.* iv. 10.

[2] *Od.* xi. 387.

[3] Cf. *Il.* xvi. 178-190, xxii. 472; *Od.* vi. 159, xi. 282, xx. 161.

[4] *Il.* ix. 146-288.

[5] *Od.* i. 277, ii. 196, for in both passages the οἱ δέ must necessarily refer to the parents. Hence ἐδνοῦσθαι θύγατρα, to dower a daughter, *Od.* ii. 53; and ἐεδνωτήν, of the person providing the dower, *Il.* xiii. 382. Even in lyric and tragic poets ἔδνα occurs in the same meaning—Pindar, *Ol.* ix. 1; Eur. *Andr.* 2. 153, 942.

[6] *Il.* ix. 147-289.

[7] So also Nitzsch on *Od.* i. p. 50, and Dœderlein on *Il.* ix. 147. There is no evidence that the word was so understood in later times, as, *e.g.*, Lucian, *Anthol. Palat.* ix. 367. 6.

[8] *Vide* Arist. *Pol.* ii. 5. 11.

after the death of the husband, the wife was not permitted by the heirs to remain in the house, the money she brought with her had to be restored,[1] while in the case of the wife being put away by her husband for adultery, he was entitled to recover the ἕδνα which he had given.[2]

The lawfully-wedded wife was called κουριδίη ἄλοχος, and numerous instances prove that lawful and completely valid marriages might take place, not merely between members of the same State, but also between those of different ones. Even Briseis, a slave captured in the Trojan territory, could cherish the hope of becoming the κουριδίη ἄλοχος of her master.[3] Marriages within the same rank were of course the most usual, because only a wealthy son-in-law could offer ἕδνα in due proportion to the dowry; but just as it was not unknown for a rich man to court the daughter of a poor one, so there are cases where even rich parents bestow their daughter upon a man without wealth, if he was distinguished by special excellence. Thus Odysseus, when disguised as a travelling Cretan, says of himself, that, though an illegitimate son, and only provided with a very scanty portion of his father's inheritance, he had yet gained a wife from a wealthy house, on account of his personal qualities.[4] Nowhere is any explicit allusion to forbidden degrees of relationship, though the nature of the story of Œdipus proves that marriage between near relatives of different generations are regarded as an abomination.[5] In the island of Æolus the magician, all the brothers and sisters are married to one another,[6]—a fact, however, which may be explained by the peculiar condition in which they lived, cut off from all the rest of the world. But it is well known that marriages between half-brothers and sisters by different mothers were not, in the Greece of later days, regarded as incestuous. Homer gives no instance of this kind, though we find one case of marriage with an aunt[7] (by the mother's side).

Monogamy is the invariable rule, to which only a single exception is found, not among the Greeks, but in Troy, where Priam took to wife, in addition to Hecabe, Laothoe, daughter of the aged prince of the Leleges, who, from the manner in which she is mentioned, undoubtedly appears as his lawful

[1] This may certainly be concluded from *Od.* ii. 132; and the considerations raised in objection are of no weight.
[2] *Od.* viii. 318.
[3] *Il.* xix. 297.
[4] *Od.* xiv. 210.
[5] *Od.* xi. 271.
[6] *Od.* x. 5 *seq.*
[7] *Il.* xi. 221-226. Here a Thracian is spoken of; the ancient commentators, however, are reminded of Diomedes, who also married his mother's sister Ægialea, daughter of Adrastus. Cf. *Il.* v. 412, and xiv. 121.

wife. It was not, however, considered blameworthy for a man to take a concubine out of the number of his slaves, although there is no doubt that this was resented by the lawful wife, especially if she had herself borne children to her husband. Thus the wife of Amyntor, on this ground, stirs up an unnatural hatred between her son Phœnix and her husband,[1] and similarly Laertes, the father of Odysseus, breaks off his relation to his concubine Eurycleia, in order to avoid vexing his lawful wife.[2] Barren wives were probably more indulgent to their husbands in this respect.

Part of the marriage festival consisted in a solemn banquet provided by the father of the bride.[3] Since, however, no festival could be conceived without a sacrifice, it may be assumed as a matter of course that on this occasion the gods were especially invoked to give their blessing to the union of the newly-married pair, and no one will demand explicit testimony for the custom. The description of a solemn procession represented on the shield of Achilles only informs us that the bride, in festal attire, was conducted amid the glitter of torches to the house of her husband, probably in a chariot, as was the custom in a later time, and that on the way a bridal hymn was sung (ὑμέναιος), whilst the attendant youths and maidens danced an accompaniment.[4] Elsewhere we learn that it was customary for the bride to give her festal robes to her attendants.[5] We may form some idea of the good wishes expressed and the prayers offered to the gods from the words which Odysseus addresses to Nausicaa when he speaks of her future marriage. "May the gods grant thee," he says, "what thine heart desires, both husband and house and a married life of happiness and union, for there is nothing better or more profitable than when husband and wife dwell in their house with united mind, to the vexation of their enemies, the joy of their friends, and their own good report."[6] If we add to this prosperity and the blessing of children, which was also considered a gift of the gods, we have, in fact, all that could reasonably be asked from the gods, as forming part of a happy marriage. Even the idea that marriages are made in heaven is not unfamiliar to the Homeric heroes, and husband and wife are said to have been destined for one another by fate, or, in other words, by a higher dispensation.[7] The proper behaviour of a husband towards his wife is expressed by

[1] *Il.* ix. 448 *seq.* [2] *Od.* i. 433. [3] *Od.* iv. 3.
[4] *Il.* xviii. 491 *seq.* [5] *Od.* vi. 28. [6] *Od.* vi. 181 *seq.*
[7] *Od.* xxi. 162. Cf. xx. 74, where it is Zeus on whom depends their destiny, because he knows the fate which is to fall to every man.

Achilles, who says that every brave and prudent man esteems his wife and carefully protects her;[1] and it is hardly necessary to remind the reader that the Homeric poetry contains the most beautiful examples of wedded love and fidelity on the part of the wife in an Andromache and a Penelope. From every other statement which we find with regard to the relation of marriage, it is evident that the housewife was not a mere married servant to her husband, and the partner of his bed, but his equal companion through life, quite as much respected in the sphere of activity which nature assigned to women as the husband was in his. A good understanding and skill in feminine duties are, next to personal beauty, celebrated as the most highly regarded qualities by means of which the woman became, in the eyes of her husband, his honoured wife[2] (*αἰδοίη*).

In general, the relation between the two sexes is thoroughly healthy and natural, as far removed from roughness as from effeminacy and over-refinement. The natural is treated as such without prurience, but also without false shame. A custom which, among us, would probably be censured as in the highest degree immoral, according to which not only female slaves, but even the unmarried daughters of the king, render every kind of ministration to men in the bath,[3] in Homer appears perfectly harmless, and certainly furnishes an argument for the morality rather than the immorality of both sexes. No instance is found of the daughter of a noble house submitting herself to a man without the marriage ceremony, unless we also take into account mythological characters, among whom mortal women receive the embraces of gods. But their position lies entirely beyond the sphere of actual life, and only gross want of understanding can regard these as proofs of the immorality of the Homeric age. Even Helen and Clytemnæstra, the daughters of Tyndareus, who are the only examples of women seduced into adultery by strangers, cannot serve as proofs of a general laxity of morals.

The children of the lawful wife, *γνήσιοι*, or *ἰθαγενεῖς*, as they were called, had a prior right of inheritance over the illegitimate sons or *νόθοι*, born of the concubine. The legitimate sons divided between them their father's inheritance, and each received his particular portion by lot; the daughters were provided for by their dowries, except in those cases where, as

[1] *Il.* ix. 341.

[2] *Il.* xxi. 460; *Od.* iii. 380, 451.

[3] *Od.* iv. 49, xvii. 88, and iii. 484. Cf. Athenæ. i. 18, and also Nägelsbach, *Hom. Theol.* p. 152 of the second edition; and, for similar examples in German poems of the Middle Ages, see Scherr, *Gesch. der Deutschen Frauenwelt*, i. (2d ed.) p. 227.

heiresses, they received the whole. The illegitimate sons were allowed a smaller portion, called *νοθεία*.[1] In other respects there was usually no distinction observed between them and the legitimate sons, but both were educated in common under the paternal roof. It was mentioned as an honour to Theano, the wife of the Trojan Antenor, that, out of love to her husband, she nurtured his bastard son Meges like her own children,[2] while no instance occurs in the Homeric poems of hatred displayed by a stepmother, which, it is true, frequently furnishes a motive in mythical history, and was proverbial both among the Greeks and Romans. Sons, moreover, born of a slave-mother rank themselves as freemen, as is proved by the case of a son of Castor, born of a purchased slave, whose name was assumed by Odysseus,[3] while the Telamonian Teucrus took an honourable place among the heroes of Troy, although he was not born from the wife of Telamon, but from a slave captured in war, who, it is true, was originally a king's daughter. So that the designation *νόθος* involved no disgrace,[4] just as in the middle ages illegitimate sons of princely parents felt no shame in being called bastards, and even in styling themselves such, as in the case of the renowned Bastard of Orleans.

The bringing up of the children of the heroes was, as may be conceived, simple and natural in the extreme. Their first nourishment was supplied by the mother's breast; even queens gave suck to their children,[5] and the passages from which the existence of foster-nurses has been inferred are by no means conclusive.[6] All further education, in a condition of society such as the Homeric poems represent, was for the most

[1] *Od.* xiv. 203.

[2] *Il.* v. 70.

[3] *Od.* xiv. 199 *seq.*

[4] Cf. Eustath. in *Il.* viii. 284.

[5] *Il.* xxii. 83.

[6] It is well known that *τροφός* signified not the wet-nurse, but only the nurse who fed and waited on the children, while *τιθήνη* has precisely the same meaning, as is shown by the single fact that the masculine form *τιθηνός* and *τιθηνητήρ* is found. The proper name for the foster-nurse, *τίτθη*, does not occur in Homer (Eustath. in *Il.* vi. 399, pp. 650, 21), and *τιθήνη, a nurse*, is expressly distinguished from *τίτθη, a foster-nurse* (*Etymol. Gud.* pp. 529, 10), while it is self-evident that in the hymn to Demeter, p. 141, the goddess, when she says *καλὰ τιθηνοίμην* is not offering herself for a foster-nurse. The expression *τρέφειν ἐπὶ μαζῷ* (*Od.* xix. 482) can also be understood of the ordinary nurse, who carried the child committed to her charge in her arms, and therefore on the breast, though without giving it suck. (Cf. Apoll. Rh. iii. 734, and also Theocr. iii. 48, where it is said of Aphrodite, that she makes Adonis *οὐδὲ φθίμενον ἄτερ μασδοῖο τίθητι.*) That Eurycleia, of whom this last expression is used, can be regarded as a foster-nurse, is not credible, for the simple reason that Laertes, who refrained from her society himself, could hardly have given her up to another. She most probably remained unmarried.

part self-developed. The child grew up in the customs of the family and the people, and formed itself after their model. When a prince like Peleus committed his son to Phœnix, that he might be instructed how to speak and act, his motive for doing so is that the young man, on being sent forth to war, may be associated with an experienced councillor against whatever may occur.[1] The existence of instruction, properly so called, or of any continuous tuition, will scarcely be imagined. It was only warlike exercises, equestrian skill, and other kinds of dexterity suitable to princes and nobles, which needed to be imparted by means of particular instruction. Thus Chiron trained the sons of princes, partly in music, partly in the art of healing, which latter Achilles learnt from him, and in his turn imparted to his friend Patroclus.[2] The dance, moreover, is practised as an art, with which the sons and daughters of princes and nobles were not allowed to remain unfamiliar, partly that they might be able to take their places in the chorus at the feasts of the gods, partly for the sake of social amusement, although it is true that no such zealous dancers as the Phæacians were are found among the Achæan heroes. However, the suitors in the house of Odysseus amuse themselves with dancing;[3] Telemachus dances in company with Eumæus, Philœtius, and the maidens after the murder of the suitors, in order that the neighbours may believe that a wedding festival is proceeding,[4] while elsewhere the dance is mentioned as one of those agreeable things of which one is never weary.[5]

In one passage of the Iliad, Achilles, the bravest of the heroes, is represented as striking the lute and singing to its accompaniment of the famous deeds of men.[6] It follows that the writer of this passage, which we must admit does not belong to the older portions of the Iliad, must have regarded minstrelsy and song as arts not unknown to the Achæan heroes; and it is quite possible that in this he only followed the older bards, just in the same way as the legends of old German heroes represent many of their giants as distinguished no less as bards than as warriors. In other parts of Homer, however, no traces of the kind are visible in relation to the Achæan heroes; the Trojan Paris alone is described as a player on the cithara. On the contrary, minstrelsy and song are practised by special artists, the ἀοιδοι, who, though certainly highly esteemed, do not belong to the upper ranks. We find them at the royal courts of Scheria and Ithaca, where they are among

[1] *Il.* ix. 442. [2] *Il.* xi. 830. [3] *Od.* xviii. 304.
[4] *Od.* xxiii. 134, 298. [5] *Il.* xiii. 637. [6] *Il.* ix. 186-9.

the daily guests, though, as in the case of architects, seers, and physicians, foreign bards are also invited.[1] They travel about like the Thracian Thamyris, who, in his journey through the Pylian land from Œchalia, the court of Eurytus, is seized at Dorion, and blinded by the Muses, because he had presumed to excel them in the art of song.[2] They were everywhere esteemed and honoured for their art, and the gift of song was regarded as especially bestowed by the Muses, from whom proceeded too the knowledge of the legends which formed the contents of their poems.[3] When, however, a bard expressly boasts of being self-taught, and deriving his gift only from the divinity,[4] this points unmistakably to the fact that the usual method was for scholars to receive instruction from masters in the art, as we should naturally have inferred without express testimony, and therefore, even where this is altogether wanting in the case of schools for minstrelsy, there is no good reason for denying their existence.

These bards accompanied their delivery with the *phorminx*, a larger kind of cithara which was carried in a band over the shoulder. On this they first played a prelude, and then during the song itself struck the strings at intervals in appropriate passages to accompany the words or to fill up the pauses.[5] The song itself we must conceive as half-recitation, half-song,[6] while the contents were taken from the legends of deeds, human and divine. Thus, *e.g.* the voyage of the Argonauts is mentioned as a subject which, as entering into the thoughts of all at the time of the Trojan war, was the frequent theme of song.[7] The deeds, however, of the present time were no less celebrated by the songs of the bards, for that song is best liked by the hearers which is the newest and latest.[8] The events of the Trojan war, and the return of the heroes, were sung by Phemius in Ithaca, and by Demodocus in Scheria,[9] a very few years after their actual occurrence, while it is said, with regard to every memorable event, that it will be the subject of song for posterity.[10] These bards, moreover, while amusing their hearers, must also be regarded as their instructors. They handed down the legends of antiquity, and with these the greatest part of all that can be regarded as constituting the belief and knowledge of that era, while, at the same time, they awoke in noble souls the thoughts of fame to be won among

[1] *Od.* xvii. 386.
[2] *Il.* ii. 595.
[3] *Od.* viii. 479, xiii. 28, xvii. 518.
[4] *Od.* xxii. 347.
[5] *Od.* viii. 266, xviii. 262.
[6] Eustath. in *Il.* ii. pp. 9, 5.
[7] *Od.* xii. 70.
[8] *Od.* i. 352.
[9] *Od.* i. 326, viii. 75 and 492.
[10] *Od.* viii. 579, iii. 204, xxiv. 198.

contemporaries, and among posterity, which should fill them with emulation to merit by their deeds an honourable remembrance, and to strive that many even of future generations might mention their name with honour, just as Athene, under the form of Mentor, exhorts Telemachus by pointing to the example of Orestes.[1] We may here also remark that the Odyssey in one passage makes allusion to several longer and continuous series of songs concerning some copious subject, like the Trojan war, out of which now one, now another, portion was taken,[2] as the case might happen,—the hearers of course being sufficiently acquainted with the subject, as a whole, to render the delivery of each particular part easily intelligible by itself.

The songs sung by the bards at the social meal appear always to have been of the kind above described, *i.e.* to have contained the story of deeds, human and divine. There were, however, other songs suitable to other occasions. A hymeneal song resounded in the solemn procession described on the shield of Achilles, amid the harmony of flutes and lyres, while young men and maidens danced accompaniment.[3] A *threnos*, or song of mourning, is chanted by the singers at Hector's funeral, while the women mingle their cries of grief.[4] A pæan is sung by the Achæans, when, in the flush of victory after Hector's death, they are returning to their ships,[5] and again when, on the surrender of Chryseis, Apollo is invoked to remove the pestilence which he had sent down on the army.[6] Calypso and Circe sing as they work at the loom;[7] and at the vintage a boy sings the Linus-song to the *phorminx*, while others shout and dance an accompaniment.[8]

Songs of a religious nature, on the occasion of religious ceremonies, are not expressly mentioned in the Homeric poems, with the exception of the pæan addressed to Apollo for the removal of the pestilence, which was preceded by a sacrifice, and may therefore evidently be regarded as a hymn of prayer. In the pæan, moreover, sung after the victory, expressions of thanksgiving are uttered towards the gods; while in the hymeneal hymn there was not wanting a divine invocation to implore a blessing on the marriage. There were no doubt in existence various other songs suitable to worship, though all the remains of ancient writers of these songs, such as Pamphus, Orpheus, Musæus, Linus, belong to the post-Homeric age. The Linus-song, however, which is mentioned

[1] *Od.* i. 301; cf. iii. 200. [2] *Od.* viii. 73, 74, and 492, 499.
[3] *Il.* xviii. 493. [4] *Od.* xxiv. 720. [5] *Il.* xxii. 391.
[6] *Il.* i. 472. [7] *Od.* v. 61, x. 220. [8] *Il.* xviii. 569.

in the Iliad, may be accredited with a certain religious import, in so far as, beyond a doubt, it celebrates the death of nature in autumn and its reawakening in spring, figuratively represented by the death and resurrection of Linus, an unknown nature-divinity, whose worship had existed from remote antiquity, and who was perhaps of Oriental origin, as was the case with the later Greek divinity Adonis. But it may be asserted of all the other songs which the Aoidi sang to their hearers at banquets, that, although not of a specially religious character, they were yet not without influence upon religious ideas. There is no doubt that at no period in Greece was it the duty of the priests to impart instruction concerning the gods and divine matters, their sacerdotal functions being confined merely to the liturgical labour of offering prayers and performing sacred ceremonies. Religious belief was necessarily to a great extent defined by the manner in which the Aoidi in their songs spoke of the gods, and represented them as acting upon, and interfering with, human relations, concerning which we shall have more to say in another place. Similarly, there was much that was contained in the worship itself, which, if not of a directly and explicitly instructive nature, was yet full of symbolical allusions to the deities to which they were assigned. We learn, however, from Homer too little with regard to the special form of worship in the heroic age to be able to form a sufficient conception of its nature in this respect. In particular, no mention is made by him of festivals and festal usages, in which a symbolical meaning may usually be assumed. Only in the case of the yearly festivals celebrated in Attica to the honour of Erechtheus, and of the Thalysia, or harvest festival, some cursory allusion is made,[1] from which, however, we can only learn that sacrifices were offered at this festival, not merely to Demeter and other agrarian deities, but to many others besides, and possibly to all the gods collectively, for which reason Artemis is enraged with Œneus because she alone had been passed over by him. Some symbolical meaning, however, may be detected in the sacrifice which was offered in ratification of the compact concluded between the Greeks and Trojans on the first day of the battle.[2] Sacrifices are made to three deities—Zeus, Helius, and the Earth; the animals offered are lambs: one for Zeus, provided by the Greeks, and the two others brought by the Trojans; a white ram for Helius, as the bright and masculine god; and a

[1] *Il.* ii. 550, ix. 530. An allusion to the Heliconian Poseidonia may be found in *Il.* xx. 404. The name ἑορτή is only found in two lines of the Odyssey, xx. 156, xxi. 258.

[2] *Il.* iii. 103 *seq.*, and 276 *seq.*

black ewe for the Earth, as the goddess who works in darkness and depth. Both these two latter are offered by the Trojans, because it was their land upon which Helius then looked down, while the third was sacrificed by the Greeks to Zeus, because he was the god of hospitality, which Paris had violated, and to avenge the violation of which they had undertaken the war. The prayer, however, offered up by Agamemnon at the sacrifice is addressed not merely to these three gods, but also to the rivers and the infernal deities, who take vengeance upon perjury. The bystanders quaff drink-offerings of Greek and Trojan wine poured together in a goblet, uttering at the same time the following imprecation: "Zeus, and ye other gods,—may his brain, and that of his children who violate this compact, be spattered on the ground, as this wine is now poured."

Other allusions to sacrifice mostly belong to private worship. It has already been remarked that every slaughter of an animal was associated with an offering to the gods, for whom some portion was at the same time set aside, just as in the same way drinking was both begun and ended with a libation or drink-offering.[1] This is evidently a sign of the recognition that every possession and every enjoyment was owing to the gods, and that gratitude was due to them, and their protection at all times needed.[2] For even the gods may be won over, or, when they are enraged, propitiated by gifts and offerings. Thus the Trojan women promise to sacrifice to Athene twelve yearling cows, as yet unyoked, if she will have compassion on their city and render harmless the dangerous Diomedes. He in his turn vows a yearling unyoked heifer with gilded horns, if so be he may secure her assistance; while Nestor makes the same promise, that she may continue to be gracious to him and his.[3] The non-fulfilment of vows and the withholding of sacrifices are regarded as causes of divine wrath. Thus Artemis is incensed with Œneus, because at the harvest-festival he had neglected to sacrifice to her alone, in punishment for which she caused his land to be ravaged by a wild boar.[4] Conversely, however, an appeal might be made before the gods to the gifts or sacrifices presented to them, as constituting a claim to their protection.[5]

Reverence towards the gods demanded that before approaching them men should cast aside all uncleanness. Accordingly, whenever it is possible, they bathe beforehand, and put on

[1] Cf. only *Il.* ix. 653, 708.
[2] *Od.* iii. 48.
[3] *Il.* vi. 305 *seq.*, x. 291; *Od.* iii. 382.
[4] *Il.* ix. 529 *seq.*; cf. also i. 65.
[5] *Il.* i. 39.

clean, newly-washed clothes, or at least wash the hands.[1] We find Achilles first fumigating the cup, out of which he is about to pour a libation to Zeus, with purifying sulphur, and then rinsing it with water.[2] So, too, Odysseus, after the murder of the suitors, purifies his house from blood[3] by means of sulphur, in order that he may be able once more to pour libations to the gods therein,—a ceremony which must be performed at every meal. From a similar point of view we must regard the washing and purification of the army after the pestilence,[4] since, while it lasted, the whole host in their grief neither washed nor changed their clothes, but covered their heads with dust and ashes, as was usual in trouble of this nature.[5]

The sacrifices consist almost without exception of animals, of which a part was burnt in honour of the gods, while the remainder was consumed by men. The animals offered are cows, sheep and lambs, goats and swine, all therefore domestic animals, and such as serve men for nourishment. Horses are only sacrificed to the river-god Scamander, and these are not slaughtered, but cast alive into the stream.[6] Homer gives us no information as to whether particular kinds of animals were specially acceptable or specially distasteful to certain gods. Since, however, in several passages yearling cows, not yet broken or used for labour, are sacrificed to Athene,[7] it may probably be assumed that this kind of sacrifice was considered especially suitable to this goddess. We remarked above that a certain symbolical meaning is contained in the choice of sacrificial beasts in the treaty-sacrifice, and we may here add that in offerings to the dead a black sheep was the proper sacrifice to Teiresias, a barren cow to the other shades. We may regard it, however, as a general rule that sacrificial animals must be perfect and without blemish.[8]

We have already seen that sacrifices were not exclusively offered in the temples or plots of ground dedicated to a god, though, of course, an altar was necessary in every case, which however might easily be erected for the particular occasion, or kept ready in the house for this purpose. The Greeks have sacrificial altars both in the camp before Troy and in their earlier station at Aulis.[9] With regard to domestic altars, that of Zeus ἑρκεῖος (the protector of house and court) is specially mentioned in the ante-court,[10] but it is scarcely probable that sacrifices

[1] *Od.* iv. 750; *Il.* vi. 230.
[2] *Il.* xvi. 228.
[3] *Od.* xxii. 481.
[4] *Il.* i. 313.
[5] *Il.* xviii. 23; *Od.* xxiv. 316.
[6] *Il.* xxi. 132.
[7] *Il.* vi. 94, 275, 309, x. 292; *Od.* iii. 382.
[8] Cf. *Il.* i. 66, and the *Schol.*
[9] *Il.* xi. 807, ii. 305.
[10] *Il.* xi. 774; *Od.* xxii. 334.

were offered in this to any other god than Zeus. Before the commencement of the sacrifice a devout silence (*εὐφημία*) was prescribed.[1] The officiating persons wash their hands in a ewer filled with water for the purpose, and then scatter ground and roasted barley (*οὐλοχύτας*) out of a basket on the head of the animal and round the altar.[2] Then some hairs are cut off the head of the animal, and distributed among the partakers of the sacrifice, who stand round, and by whom apparently they were thrown into the fire. This was the first act of the sacrifice, and was hence described by the word *ἀπάρχεσθαι*.[3] At the same time the prayer was addressed to the gods for whom the sacrifice was intended. Then follows the slaughter of the animal. If this is a cow, the neck is first cut through with an axe, that the animal may fall to the ground; it is then once more raised erect and its throat cut. The swine, and probably other small animals, are beaten down with a club, or in some cases stabbed at once without this preliminary.[4] When the thrust is made, the head is drawn back, the blood received into a goblet, and the altar sprinkled with it. In the single case of sacrifice to the nether gods the head was held downwards, and the blood poured into a trench made for the purpose, and serving instead of an altar.[5] Then the animal is skinned, pieces are cut out from its haunches and wrapped round with the fat caul doubled, portions of the entrails and limbs being laid above, all of which, as the portion due to the gods, was burnt upon the altar. Part of the entrails are roasted at the fire on spits, and eaten by the partakers, after they have poured out a preliminary libation.[6] The rest of the animal is cut up and served for a sacrificial banquet. Only in certain cases was the animal neither eaten nor any portion of it burnt, as, *e.g.* in the sacrifice which was appointed for the solemn ratification of a treaty or oath, where it was either buried (in the case of the natives of the land), or cast into the sea (in the case of strangers).[7] A holocaust, or the sacrifice of a whole burnt-offering, where nothing was kept back for the enjoyment of men, does not occur in Homer. Large sacrifices, where a great number of animals were slaughtered, are called hecatombs.

[1] *Il.* ix. 171.

[2] Buttmann's explanation of *οὐλοχύται* (*Lexil.* i. p. 191) has been rendered doubtful by the objections raised against it by Sverdsjö, *de verb. οὐλαι et οὐλοχύται, signif.* (Riga, 1834), and in the *Jahrb. f. Philol. Suppl.* iv. p. 439, although it is not, properly speaking, disproved. Cf. Schömann's *Antiquities*, vol. ii. p. 229.

[3] *Il.* xix. 254; *Od.* iii. 446, xiv. 422; cf. Heyne on *Il.* iii. 273.

[4] *Il.* i. 459; *Od.* iii. 449, xix. 425.

[5] *Od.* x. 517; cf. Nitzsch, Th. 3, p. 161.

[6] *Il.* i. 462 *seq.*

[7] *Schol. ad Il.* iii. 310.

The name originally pointed to one hundred oxen, but was generally used also for sacrifices of other animals, and even in cases where the number was far below one hundred.[1]

Bloodless sacrifices, such as pastry and fruits, are not mentioned in the Homeric poems, from which, however, it by no means follows that they first came into use subsequently to the Homeric age. The opinion of the ancients rather is that this kind of sacrifice is the most ancient of all, and that animal-offerings were introduced at a later time—an opinion, however, which cannot be regarded as resting on any historical tradition. Smoke-offerings (*θύεα*), in which sweet-scented objects were consumed, are of frequent occurrence,[2] although it remains uncertain whether they are to be regarded as sacrifices by themselves, or only as the accompaniment of animal-offerings, in which no doubt a sweet savour would be particularly desirable. The frequent application moreover of the epithets *θυώδης* and *θυήεις* (sweet-scented) to temples and altars points to their frequent employment.

Another kind of offerings to the gods were the consecrated gifts which were placed or suspended in their sanctuaries, as *ἀγάλματα*, or employed to adorn the images of the gods. Among these, *e.g.* were robes, such as the *peplos* dedicated by the Trojan women to Athene, which the priestess Theano received and laid in the lap of the goddess.[3] So Ægisthus, in gratitude to the gods for permitting him to gain Clytemnæstra, besides rich sacrifices, dedicated many precious gifts, such as robes and golden vessels.[4] In many cases the arms of conquered enemies are in like manner consecrated to the gods. Lastly, the hair from the head of children was offered in the same way, especially to the river-gods of the country, the parents usually taking a vow that when their children were grown up they would cut it off and consecrate it to the deity.[5]

It need hardly be said that the gods might frequently be invoked in prayer, even without a sacrifice or offering or the presentation of a consecrated gift. These prayers of thanksgiving, however, never appear in the Homeric poems, but only petitions for the removal of some need or the fulfilment of some wish. It follows, from the nature of the case, that a prayer of this kind, often suddenly uttered on the impulse of the moment, would be addressed to the gods without any special preparation, and yet with full hope of receiving an answer. It is true that Hector says to Hecuba, when she calls upon him

[1] Cf. *Il.* i. 316, vi. 115, xxiii. 146, 864; *Od.* i. 25.
[2] *Il.* vi. 270, ix. 495; *Od.* xv. 261.
[3] *Il.* vi. 288.
[4] *Od.* iii. 274.
[5] *Il.* xxiii. 146.

to refresh himself with a draught of wine, and to pour a libation to Zeus and the other gods, that he may not pray to Zeus when covered with dust and blood,[1] but the allusion is here evidently not to an instantaneous and unprepared prayer, but to one associated with a libation. A formal and duly prepared prayer, however, was never pronounced without a previous washing of the hands, the enforcement of a devout silence, and the libation of a drink-offering.[2]

Just as the prayer, the vow, and the sacrifice rest upon the conviction that from the protection and beneficence of the gods mankind receive blessings and the fulfilment of their desires, while from their wrath they are visited with misery and suffering, so from similar causes was produced the desire to become acquainted with the divine will and disposition, in order either to learn beforehand impending fate, or after the stroke of misfortune, which was regarded as the effect of divine wrath, to gain information concerning its cause and the means by which it might be removed. Out of this desire arose the belief that the gods were inclined to grant to men what for them was so important a revelation, either through significant tokens or in some other manner. Whoever understands the meaning of these signs, or is the recipient of an immediate revelation from the gods, is called *μάντις*, a name of which the originally narrow signification was extended to this general conception. For, originally and etymologically, *μάντις* is only a prophet, excited, inspired, and thrown into an elevated and ecstatic frame of mind by the deity, and who announces what that deity suggests to him. This ecstasy or *μανία* nowhere, it is true, announces its presence in Homer in a striking manner by the external behaviour of the seer, but is only a hidden process of his soul. It is however clearly stated that his announcements are dictated by a god, and especially by Apollo. The oracular words of Calchas are brought into direct connection with his invocation of Apollo, and are called the divine utterances of that god.[3] This inspiration is immediate, and communicated by no external sign. The seer perceives the voice of the god only with a spiritual ear, as it is stated of Helenus[4] that he heard in spirit the utterances of the gods, *i.e.* of Apollo and Athene, as, inaudible to other men, they conversed about the combat between Hector and a Greek hero, and he says himself, "I heard the voices of the eternal gods." Hence the seer is also called *θεοπρόπος*, and his utterance *θεοπρόπιον* or

[1] *Il.* vi. 268.
[2] *Il.* ix. 171, xvi. 230; *Od.* ii. 261, xiii. 355.
[3] *Il.* i. 86, 87, 385.
[4] *Il.* vii. 44; cf. 53.

θεοπροπίη. These expressions however are, like *μάντις*, also employed in a wider sense, and in cases where the prophet draws his conclusion from the observation and interpretation of certain signs. These signs (*τέρα, σήματα*) are of various kinds. The occurrence at Aulis, where a serpent devours the sparrow and its eight young ones, and is then turned to stone, is referred by Calchas to the conquest of Troy after nine years, while a similar sign during the battle, viz., the combat between the eagle and a snake, is declared by Polydamas to signify the issue of the battle.[1] The various atmospheric phenomena, moreover, such as thunder and lightning, rainbows, falling-stars, raining of blood, and the like,[2] are all significant appearances, while the flight of birds was a particularly important source of divination. In some cases the meaning of these signs is either so familiar or so evident that no special knowledge is needed to comprehend them, such as the *μάντις* possesses, but every ingenious man can interpret them for himself. To the same class belong all ominous incidents, such as sneezing,[3] or words spoken at random, but applied by the hearer to what he had in his mind, as, *e.g.* when one of the slave-women, harassed with work for the suitors, gives vent to her vexation by an imprecation against them, this is accepted by Odysseus as a prophetic word (*φήμη*) having reference to the issue of the attack which he was intending to undertake on the following day.[4]

The various kinds of the Mantic art are described by different expressions. *Μάντις* and *θεοπρόπος* have, as has been stated, a more general signification, whereas *οἰωνοπόλος* or *οἰωνιστής* is the man who prophesies from the flight of birds. The interpreter of dreams, who either himself receives revelations in dreams, or is skilled in explaining the dreams of others, was called *ὀνειροπόλος*.[5] In addition to these there were *θυοσκόοι* to inspect the sacrifices, and *ἱερῆες*, to both of whom men had recourse for prophetic inspiration, which, it would seem most natural to suppose, was gained from the entrails of the sacrificial animals through the so-called Hieroscopy, if only any traces were found of this method in the Homeric poems. This, however, is not the case, and therefore the prophetic knowledge was probably derived from some other signs appearing in the sacrifice, such as the blazing of the fire, the complete burning of the sacrificial bits, or the behaviour of the animals, the meaning of which might be communicated sometimes by the

[1] *Il.* ii. 308 *seq.*, and xii. 200 *seq.*
[2] *Il.* xi. 28, 53, xvii. 548.
[3] *Od.* xvii. 547.
[4] *Od.* xx. 98 *seq.*
[5] *Il.* i. 63, with the *Schol.* v. 150; *Od.* xix. 535.

priests on account of their constant familiarity with sacrifices, sometimes by special experts, whom it was usual to employ even at domestic sacrifices.[1]

To the oracles at Delphi and Dodona, afterwards so celebrated, no more than an occasional allusion is made in Homer. Pytho, the ancient name for Delphi, he mentions as a richly-endowed sanctuary, where Apollo communicated oracles,[2] while of Dodona it is said that Odysseus proceeded thither in order to learn the decree of Zeus from the leafy oak-tree, and in another passage that the Selli dwell there, the Hypophetæ of Zeus, who never wash their feet, and whose bed is the hard ground.[3] In the Odyssey, however, a description is given of a peculiar kind of prophecy, which calls to mind the oracles of the dead in later times (*νεκρομαντεῖα* or *ψυχομαντεῖα*). It is here related how Odysseus on the advice of Circe set out for the kingdom of Hades, to question the soul of Teiresias concerning his return home; for he, it is said, alone of all the dead, still retains his full consciousness and the knowledge which he possessed in life, by the special favour of Persephone, while the others only flit shadow-like around. Odysseus, therefore, when, in accordance with his directions, he has arrived at the entrance of the kingdom of Hades, first digs a trench, and pours around a libation for all the dead, consisting of milk and honey, then one of wine, and thirdly of water; sprinkles meal on the ground, and then he invokes the dead, promising that, on his return to Ithaca, he will sacrifice to them a barren cow, the best in his herd, and burn a funeral pile filled with good things, while to Teiresias in particular he will offer a black sheep. He then proceeds to slaughter two sheep, one male and one female, in the ditch, and the shades flock around to drink the blood. He however drives them all away, until Teiresias has drunk and communicated the desired prophecy, when he permits the rest to drink, and converses with several of them, while the blood they have drunk restores, at least for a season, their consciousness and recollection.[4] We must not, however, understand too literally what is said of their former loss of consciousness, for otherwise neither the blood of the slaughtered sheep could attract them, nor the resistance of Odysseus drive them off, while the promise of the sacrifices and the prayers which are uttered would have no meaning, if those to whom they were addressed had not at least sufficient consciousness to hear and understand

[1] *Od.* xxi. 144, xxii. 321.

[2] *Il.* ix. 404; *Od.* viii. 79.

[3] *Od.* xiv. 327, xix. 296; *Il.* xvi. 235.

[4] *Il.* x. 490 *seq.*, xi. 23 *seq.*, 147-8, 153, 390.

them.[1] But their consciousness was certainly obscured, a sort of shadow of their living consciousness, just as their whole existence in the nether world was only a shadow of their earthly life. Their memory was gone, and though they still continued in the nether world the employments they had pursued in life, yet this must be regarded as a sort of instinctive continuation of former habits. Only when they had drunk the blood of the slaughtered sacrifice was their spirit once more aroused, and they were enabled clearly to recollect their former life, and again to recognise their old acquaintances. This passage, however, is the only one in the Odyssey, not merely which contains allusion to the oracles of the dead, but also which makes mention of any respect paid to the departed by means of libations and sacrifices, of which elsewhere the Homeric poems show not the slightest trace, and we may therefore assume that the poet has here imported something from his own time into the heroic age to which it was really foreign. The same thing has happened, less visibly perhaps, but quite as certainly, in various other passages, though it is impossible for us to distinguish with certainty what particular features in the picture, which, following the Homeric allusions, we have hitherto attempted to draw, may actually be due to some old tradition of an earlier antiquity, and which were derived from the age of the poet or poets themselves. The same may be said of that which we shall now have to add for the completion of the picture,—and first of all in relation to the material basis of life, and all that belongs to the sphere of domestic and national economy.

The State territory was usually termed δῆμος, a name also given to the people itself which dwelt in the territory, the latter being, if the prevailing, certainly not the original, signification.[2] Every δῆμος had one or more towns (πόλεις), and accordingly for the complete description of the land, usual in the Epic phraseology, both expressions are commonly united (δῆμος τε, πόλις τε). The town is the political centre of the community, whether this is an independent and self-existing whole, or the part of a larger whole. In the town therefore reside the kings and other nobles who assisted in the government of the commonwealth. The opposite of the town is the ἀγρός[3] or plain country, with isolated farm-buildings or small hamlets.

[1] So in the Iliad, the passages where the punishment is alluded to which perjurers suffer in the nether world forbid us to imagine a complete loss of consciousness—*Il.* iii. 278, xix. 260.

[2] The derivation of δῆμος from δαμάω is certainly erroneous; that from δέμω is probably more correct, as *pagus* has been derived from *pango*.

[3] *Od.* i. 185, xvii. 182, xxiv. 308.

Epithets like εὐτείχεος and τειχιόεσσα testify to the fact that many towns were well-fortified, and surrounded with strong walls, a fact also confirmed by the fragments which still remain in some parts from a remote antiquity. But whether every πόλις must be regarded as fortified is very doubtful, and ancient authors, on the contrary, expressly testify to the fact that the towns in the earliest days of Greece were for the most part open places,[1] and the peculiar name for a fortified town appears to have been ἄστυ. When, as is sometimes the case, both expressions occur side by side, πόλις is to be understood either of the district belonging to the town, or the inhabitants, while ἄστυ signifies the town itself.[2]

The manner of life and the occupation of the people are consistently represented as savouring rather of the country than the town. Agriculture and cattle-breeding are pursued even by the nobles, who exercise at least a superintendence over the husbandry, although the actual labour was left to their people. Thus we have already found the king in his *temenos* superintending the reapers, and king's sons engaged among the flocks.

Among the possessions of the rich were included many precious objects preserved in treasure-chambers and store-houses,[3] but wealth was usually measured according to the size of the fields and the number of the herds. When Eumæus describes the goods of Odysseus, he only enumerates the herds, which are tended, some on the mainland, some in Ithaca itself, while it is said of Tydeus that he possessed much arable land, many plantations, and numerous herds.[4] The gifts which are offered by suitors to the father of a maiden consist chiefly of cattle, or at least this is apparently the signification of the epithet ἀλφεσίβοια (cattle-acquiring) which is usually applied to an unmarried maiden. Similarly the price of commodities is stated in oxen. Eurycleia, the nurse of Odysseus, had cost twenty oxen; another slave skilled in feminine labours was valued at four; a large Tripos at twelve oxen; while the gold embossed arms of Glaucus, the Lycian chief, are worth a hundred, the plain ones of Diomedes only nine.[5] Besides oxen, herds of horses are mentioned: three thousand stallions being

[1] Thuc. i. 5: πόλεσιν ἀτειχίστοις καὶ κατὰ κώμας οἰκουμέναις.

[2] The former, *e.g.* in *Od.* vi. 177: ἀνθρώπων οἳ τήνδε πόλιν καὶ δῆμον ἔχουσίν· ἄστυ δέ μοι δεῖξον. The other in *Il.* xvi. 69: Τρώων δὲ πόλις ἐπὶ πᾶσα βέβηκε θάρσυνος. On *Il.* xvii. 164, φράζεο νῦν ὅππως κε πόλιν καὶ ἄστυ σαώσῃς, Eustathius remarks: ζητητέον εἰ πόλιν μὲν λέγει τὸ κατώτερον, ἄστυ δὲ τὴν ἀκρόπολιν.—οἱ δὲ παλαιοί φασι πόλιν μὲν τὴν πολιτείαν, ἄστυ δὲ τὸ τεῖχος.

[3] *Il.* vi. 47.

[4] *Od.* xiv. 99; *Il.* xiv. 122.

[5] *Od.* i. 341; *Il.* xxiii. 702, 705, vi. 326.

fed on the pastures of Erichthonius,[1] who ruled over Dardania before the Trojan war or the foundation of Troy; and also sheep, goats, and swine, according to the suitability of the land. When Menelaus offers to present some horses to Telemachus, the latter declines them on the ground that Ithaca is unsuited for horse-breeding.[2] We find mention, moreover, of asses and mules, the latter being principally used in agriculture.[3] Of fowl-breeding we find no trace except in Lacedæmon, at the court of Menelaus, where geese appear; and also in Ithaca, where they were apparently kept by Penelope more for amusement than for household use.[4] Finally, there can be no doubt, from the frequent mention of wax and honey, that bee-keeping was ascribed by Homer to the heroic age.

Of the different kinds of grain, wheat, barley, and spelt are specified, the latter however only as fodder.[5] The tilling of the fields was accomplished by means of oxen and mules. The plough is described as well-compacted (*πηκτὸν ἄροτρον*),[6] and must therefore, no doubt, be conceived as corresponding to the description of the well-joined plough in the *Works and Days* of Hesiod, in opposition to the single one (*αὐτόγυον*), which only consisted of one beam.[7] A more detailed description however will probably be readily excused. The corn was reaped with sickles, and then trodden out by oxen in an open court (*ἀλωή*), while the grain was separated from the chaff by flails.[8] The grinding was accomplished by hand-mills, worked by female slaves, and peeled barley or groats were prepared as well as meal.[9] Next to husbandry, allusion is frequently made to the cultivation of the vine. Telemachus boasts of Ithaca that it produces wine as well as corn in abundance, while a vineyard forms part of the estate to which the aged Laertes had retired, and a temenos consisting of arable and vine-growing land in equal proportion is offered to Meleager by the Calydonians, and the joyous vintage, at which the labour was relieved by singing and dancing, is represented on the shield of Achilles.[10] The wine was stored away in large earthen jars (*πίθοι*), and transported, sometimes in amphoræ, sometimes in bottles made of goatskin.[11] Different species of wine are implied by the epithets red, black, or dark-coloured, sparkling and honey-sweet, but what particular kind of wine

[1] *Il.* xx. 220.
[2] *Od.* iv. 602.
[3] *Il.* x. 352.
[4] *Od.* xiv. 160, 174, xix. 536.
[5] *Ὄλυρα* in *Il.* v. 196, viii. 560. *ζέα*, *Od.* iv. 39, 604. Herodotus says, ii. 76, that the two were not distinct.
[6] *Il.* x. 353, xiii. 703; *Od.* xiii. 32.
[7] Hesiod, *Op. et Di.* v. 433.
[8] *Il.* xviii. 551, xx. 495, v. 499.
[9] *Od.* vii. 103, xx. 106-8.
[10] *Od.* xiii. 244, i. 193, xi. 192; *Il.* ix. 575, xviii. 561.
[11] *Od.* ii. 369, v. 265, ix. 196.

the Pramnæan may have been, and from what it derived its name, was not certainly known even to the ancient commentators, and may here safely be left undecided. The Homeric heroes were quite aware that a certain age increases the quality of the wine, and accordingly the housekeeper stores up old wine against the return of Odysseus, and wine eleven years old is set before Telemachus at the table of Nestor.[1]

We may here too mention the various kinds of fruits which were planted together with the vines in the garden of Laertes, such as figs, olives, and pears, while in the famous garden of Alcinous there were also pomegranates and apples.[2] Of vegetables Homer specifies white peas, broad beans, onions, and poppies, the latter however only in a simile, and without anything to show whether they were eaten.[3] As fodder for cattle we find clover, a species of parsley (*σέλινον*), and some meadow-plant which cannot be identified with certainty, called *κύπειρον*. There is no evidence that flowers were grown as an ornament of the garden, although they are frequently mentioned in other connections.

Side by side with the care for their household economy, the noble pastime of the chase received diligent attention from the Homeric heroes. The skilful hunter was taught by Artemis herself to kill the game, which is nourished by the mountain-forest,[4] while in descriptions of battle-scenes similes are frequently derived from the chase, and many hunting expeditions have a celebrity in the myths like that of the Calydonian boar. Fishing, on the contrary, though mentioned in a simile,[5] was apparently not pursued by the noble classes, since fish is never mentioned as forming a part of their fare,[6] and only flesh appears on their table, together with bread, the presence of which must always be supposed, even when not expressly mentioned.[7] That the poorer sort, however, found an important means of nourishment in the fish which the Greek seas so plentifully produce is clear from the words of Odysseus, in which he expressly enumerates, among the blessings which belong to the land of a righteous king, that the sea produces fish.[8] Fishing was pursued sometimes with hooks, sometimes with nets,[9] and we may probably suppose that the fishermen with their

---

[1] *Od.* ii. 340, iii. 390.
[2] *Od.* xxiv. 245, vii. 115.
[3] *Il.* viii. 306.
[4] *Il.* v. 51.
[5] *Od.* xxii. 384.
[6] Only in their necessity do the comrades of Odysseus catch fish and birds in the island of the sun, *Od.* xii. 330, as do those of Menelaus in Egypt, iv. 368.
[7] *Od.* ix. 9, xviii. 120, xvii. 343.
[8] *Od.* xix. 113.
[9] *Od.* iv. 368, xvii. 384. Mussel-fishing also occurs in a simile, *Il.* xvi. 747.

boats ventured tolerably far out to sea. Even in the Homeric age the Greeks were compelled, by the nature of the land, to cross the sea, since intercourse between the islands and the mainland was only possible in this way, and therefore the number of ships equipped by all the peoples for the expedition to Troy involves no improbability. More distant seas, however, like that between Greece and Asia Minor, with its thickly-clustered islands, were not traversed by the Homeric Greeks. Even the neighbouring land of Italy was an unknown region, while a voyage to Phœnicia or Egypt, undertaken from Greece, is inconceivable. Phœnician wares, however, are not unfrequently mentioned, which accordingly cannot have been fetched over by Greeks, but imported in some other manner, either by Phœnicians themselves, or some intermediate agency. Only one Cretan adventurer, indeed, undertook a voyage to Egypt, whither, by the aid of a favourable north wind, he arrived on the fifth day, though to Nestor the sea between Greece and Libya appeared so immense that even a bird could not fly across it in a year, while a day's voyage was considered a long and wearisome journey.[1] There can therefore be no question in the Homeric age, as described by Homer, of any transmarine commerce carried on by the Greek sailors with the East. Nor can even Oriental trade to Greece be regarded as very brisk, since the Greeks possessed nothing to attract a large number of foreigners, either in the productions of their land or in works of art. No one will be so irrational as to admit the wealth in the precious metals, of which the Homeric poems speak, as a proof that the Greeks, whose own land certainly produced little or nothing of the kind,[2] had acquired it by means of commerce with foreign lands. The wealth here described is too great to be accounted for in this way, even if the products of Greece had been as rich and as highly prized as those of India. In the house of Menelaus there is so much gold, silver, and amber that Telemachus is thunderstruck with astonishment, and imagines that not even the palace of Zeus

[1] *Od.* xiv. 245-257, iii. 321, iv. 483, cf. with 376. Where the Temesa may be situated, whither the Taphian Mentes were sailing to exchange copper for iron (*Od.* i. 184), whether in Italy or Cyprus or elsewhere, may be here left undecided. With regard to the navigation and trade of the Greeks in the Homeric age, W. Pierson, in the *N. Rhein. Mus.* xvi (1861), p. 82, has written a treatise which deserves to be read. We are however now concerned only with the Homeric description. How far this corresponded with the poet's own era, or in what way it differed from it, is a distinct question.

[2] Cf. Böckh, *Public Economy of Ath.* i. pp. 5, 6, concerning the extreme rarity of gold, even in the time of Crœsus; also Hüllmann, *Handelsgesch. d. Gr.* pp. 31, 32.

could be more magnificent.[1] And yet his father's house in Ithaca can hardly have been meanly furnished, since golden jugs and ewers are used for the washing of hands, and golden goblets for drinking at meals; while even the bedstead of Odysseus is adorned with gold, silver, and ivory.[2] It is not unusual to find golden clasps on the clothes both of men and women, as well as various other kinds of golden ornament; while even the weapons are embellished with gold, and Nestor's far-famed shield is made entirely of that metal.[3] But surely no one will seriously doubt that all this is merely poetic gold, with which it was as easy for the Greek bards to deck their heroes as it was for the poets of the middle ages to do the same for the heroes of the Germanic mythology, whose red gold appears in abundance. The practice, too, of gilding the horns of the sacrificial animals, which sometimes occurs, is no doubt also a poetic fancy; and the existence of a goldsmith in Pylus who could be fetched for this purpose, as Homer represents him to have been,[4] is as fabulous as that of the maker of Nestor's golden shield.

As regards the remaining industrial activity of the heroic age, we find in Homer a considerable number of passages in which various kinds of artists and artisans are mentioned, such as tool-makers and armourers, leather-workers, horn-dressers, potters, wheelwrights, cartwrights, masons, carpenters, and architects,[5] though it does not follow from this that there existed a numerous class of professional artisans, who pursued their business as Demiurgi. On the contrary, it is certain that the number of these was but small, so that when they were needed it was sometimes necessary to summon them from foreign countries.[6] Moreover, since, as we have seen, the nobles themselves did not disdain to practise various handicrafts, it is the more admissible to suppose that men in humbler positions manufactured the greater number of their most indispensable utensils with their own hands, and only had recourse to a professional artisan in cases where this was impossible. Where this was the case, they either sent for him into their houses, and worked in his company, or themselves sought him out in order to bespeak or buy what they were in

[1] *Od.* iv. 72 *seq.*

[2] *Od.* i. 137, xviii. 120, xx. 261, xxii. 9, xxiii. 200. On the other hand, cf. Duris on Athenæ. vi. p. 231, where it is said of Philip, the father of Alexander, that he even took to bed with him a golden phial, as something extremely rare and precious. Cf. C. Müller, *Fr. Hist. Gr.* ii. p. 470.

[3] *Il.* viii. 193.

[4] *Od.* iii. 425.

[5] *Il.* iv. 187, xii. 295; *Od.* ix. 391; *Il.* vii. 220; *Il.* iv. 110; *Il.* xxiii. 712; *Od.* xvii. 340, xxi. 43, etc.

[6] *Od.* xvii. 382.

want of. Thus a husbandman, if he needed iron instruments, is obliged to proceed to the town to the smith's house.[1] More particularly, however, all articles of raiment were prepared within the house itself. Spinning and weaving is the daily occupation even of women belonging to princely families; and Homer, by virtue of his licence as a poet, attributes to some of them admirable skill, so that they are able to work into their web, not only ornamental designs of many colours, but also representations of battle-scenes.[2] The robes which they spun were sometimes of wool, sometimes of linen.[3] The reader will probably not desire an exact enumeration and description of all the articles of raiment which together composed the complete attire, and I have no inclination to attempt the task, partly because no such description could be sufficient to give reality to the picture, partly because, with regard to many articles, absolute certainty is unattainable, but chiefly because the subject is of subordinate importance, and without any scientific interest. We shall therefore only say that the principal article of men's clothing was the *chiton*, or under-robe, not unlike a shirt, but without sleeves, held together round the waist by a girdle, and reaching down to the knee. The Athenians alone are in one passage of the Iliad described as *Ἰάονες ἑλκεχίτωνες*, *i.e.* as clothed in long trailing *chitons*,[4]—an epithet which, even supposing the passage to be otherwise suspicious, may yet be regarded as an evidence of an old Ionian custom, which is attested also in other ways. The upper garment is called sometimes *φᾶρος*, sometimes *χλαῖνα*, the latter being the most usual. The *chlaina* was worn by high and low, rich and poor; sometimes doubled, or thrown on in two folds; sometimes single, sometimes thick and woollen, sometimes thin and light. Those of the nobles or princes were probably of a purple colour, those of the poor were naturally either plainer in colour, or entirely undyed. The *pharos*, on the contrary, was a dress of state, only worn by princes and nobles, never by men of humble position. Both were no doubt mantle-shaped, though of a different cut. In connection with the *chlaina*, mention is made of clasps or hooks; in the *pharos* these do not appear. The coverings for the feet were called *πέδιλα*, and were leather soles with narrow rims, and fastened by means of straps. Poor men, like Eumæus in the Odyssey, made them for themselves;[5] while the wealthier classes were possibly supplied by the *σκυτοτόμος*, who also produced other kinds of leather-work. Shoes, however, were usually worn

[1] *Il.* xxiii. 834; cf. *Od.* xviii. 327. [2] *Il.* xxii. 441, iii. 126.
[3] *Od.* vii. 107. [4] *Il.* xiii. 685. [5] *Od.* xiv. 23.

only out of doors, and laid aside in the house. The head remained uncovered,—a cap of felt or leather being only worn in the country or on a journey. The principal part of women's clothing was called the *peplos*, with respect to the cut and shape of which I shall here only say that it was fastened by several clasps (*περόναι*), the number in one case being twelve.[1] On other grounds it is clear, though there is no evidence in Homer for the fact,[2] that a *chiton* was also worn by women under the *peplos*, though we can only suppose it to have been long and trailing in the case of the wives of princes and nobles. In some passages a *pharos* occurs instead of the *peplos*.[3] Women's shoes are also called *πέδιλα*, and were apparently not distinguished from those of men. On the other hand, various forms of head-dress were necessary to complete the feminine attire, the principal kind being the *κρήδεμνον*, or kerchief, which might be drawn over the face like a veil, and fall down behind on to the shoulders, and the *καλύπτρη*, probably a kind of coif. In addition to this, there were bands or fillets to keep in the hair, like the *ἄμπυξ*, or forehead-band, and perhaps some contrivance similar to hair-pins;[4] also earrings, neck-bands, or chains, bracelets, and similar ornaments made of gold, mixed with precious stones or amber.[5]

Our information concerning the construction of the dwelling-houses is almost entirely confined to those of the princes, nothing more than casual allusion being made to those of the lower classes, while of the nature or arrangements of the town-house of a man in a humble situation not the faintest indication is found. We do, however, hear of Leschæ in the town, that is, of houses used for social purposes, where people in their leisure hours assembled for a chat with one another, as the name implies, and where strangers, who had no friendly host to lodge them, might also find entertainment for the night.[6] The country dwellings are sometimes lordly houses, with a number of smaller lodgings or sheds, built round for the slaves, as was the case on the estate to which the aged Laertes had retired;[7] sometimes merely huts, like that of

[1] *Od.* xviii. 292.

[2] For the *chiton* which Athenæ put on (*Il.* v. 736, and viii. 387) is not her own, but that of Zeus.

[3] *Od.* v. 230, x. 544.

[4] Eustath. on *Il.* xviii. 401.

[5] *Od.* xv. 460, xviii. 246. What Electron really is in Homer is even at the present day not quite determined. Most authorities regard it as amber, which certainly suits the other passages, and is known as a later meaning; but in other passages it is not completely appropriate; and the opinion that it signifies a bright precious stone generally appears to me the most probable.—S. Hüllmann, *Handelsgesch. d. Gr.* pp. 70-72.

[6] *Od.* xviii. 379,—the only passage in Homer where the *λέσχη* is mentioned.

[7] *Od.* xxiv. 208 *seq.*

Eumæus, near which, however, there is a court shut in by lofty walls, and surrounded by a fence, consisting in the lower part of stones, and above of a growing hedge of thorn-bush, and in which the stalls for the swine were situated.[1] Among princely dwellings the Iliad makes mention of that of Priam, while the Odysseus describes those of Nestor, Menelaus, and Alcinous,—the two latter as especially magnificent,—and more frequently, of course, than any other, that of Odysseus. It is, however, scarcely possible out of the various allusions to form any clear and detailed conception of them. We must therefore be content with the statement of the principal features, without insisting always on their correctness.[2] In the first place, then, we see a lofty wall, provided with battlements, and accessible by double-winged gates.[3] Passing through this, we find ourselves in a spacious court, the front part of which offers no very inviting prospect, for there lies here a quantity of dung heaped up,[4] which will soon probably be conveyed to the fields. In this quarter, therefore, we naturally look for the stalls of the cows and mules which are obliged to be kept in the town, most of them naturally being left in the country farms or meadows. A partition separates this court from a second,[5] which has a sufficiently neat and stately appearance, for the floor is not only cleanly kept, but paved, or at any rate made firm and smooth, while round it runs a colonnade, behind which, on both sides, there are visible the entrances to a number of chambers, used for different purposes, such as bedrooms for the household and guests, bath-rooms, and the like.[6] In front appears the main building, and on entering this we find ourselves at once in the principal chamber, the so-called Megaron, a large hall supported on columns. Here, during the absence of Odysseus, the importunate suitors of Penelope used to assemble and to feast. When the master of the house is at home, it is here that he sits, with his wife often beside him.[7] It is the general meeting-place for the members of the house, and at the same time serves as the dining-hall, from the ample space it affords for a large number of guests. There are accordingly plenty of tables and seats, for it was not customary for all to sit at one large, common table, but rather for

[1] *Od.* xiv. 5 *seq.*

[2] A more detailed account of all the particular points is given by Rumpf, *de ædibus Hom.;* Giss., 1844 and 1858.

[3] *Od.* xvii. 266.

[4] *Od.* xvii. 297.

[5] *Od.* xviii. 102, where I imagine that the door of the hall to which Odysseus drags Irus was the door leading from the inner court, surrounded by the colonnade, to the exterior court.

[6] *Od.* i. 425, iv. 625-7; cf. *Il.* vi. 243 *seq.*

[7] As at Scheria Arete sits beside Alcinous, *Od.* vi. 304-308.

the guests to sit either in pairs or singly at separate tables.[1] The seats are either high arm-chairs provided with a foot-board, or lighter ones of smaller height, all of them being usually covered with drapery and coverlets, sometimes with costly purple stuffs. A large ewer is also at hand, out of which the wine, mixed with water, is drawn by the attendants, and passed round to the guests in a certain prescribed order. There were of course plenty of stands and rests, with facilities for putting away, or producing when wanted, particular articles. In particular, we must notice a spear-stand, in which the men, on entering the house, deposit their spears,[2] without which it was as unusual at that time to go out as it was in many places, at a later period, without a staff. Out of the megaron a staircase conducted into the upper-house (*ὑπερῷον*), in which the women's apartment was placed, consisting in a chamber where the housewife could sit and work with her maidens apart from the men.[3] There were however, in the upper portion of the house, many other chambers besides this, reached by means of side-stairs, and serving for various purposes; one of them being the store-room in which Odysseus kept his store of arms.[4] The necessary light was afforded to the rooms, partly by the opened doors, partly by window apertures, which might be closed by means of shutters. There were also apertures of this sort in the megaron, placed at a tolerable height, so that it was necessary to reach them by steps,[5] and apparently a narrow circular gallery, running round the walls of the megaron, connected these steps with the staircases leading into the upper-house. The roof of the house was flat.

The daily life of the Homeric heroes, however, must evidently be conceived as spent rather out of doors than in the house. The Gerontes, or men of advanced age and high repute, were frequently summoned by the king to deliberate with him about public affairs, while probably on important occasions the popular assembly was also convoked, which, however, was an event of rare occurrence. They were more frequently engaged as judges in settling disputes. But even those whose attention was not claimed by duties of this kind were compelled frequently to absent themselves from home by the superintendence of a large estate and extensive possessions, since they were obliged to visit the country farms, or the flocks in the meadows, among which, as we have seen, even king's sons were sometimes employed for a considerable time. The

[1] Cf. Nitzsch on *Od.* i. p. 27.
[2] *Od.* i. 128.
[3] *Od.* iv. 751, 760, 781, xvi. 449, and in many others.
[4] *Od.* xxi. 5-12, xxii. 123 *seq.*
[5] *Od.* xxii. 126, with Eustath.

chase too, which, where occasion offered, was eagerly pursued, necessarily involved much prolonged absence from home. In the town itself, however, the leisure time, of which there was certainly a good deal, was filled up with social amusements and entertainments. Among these were all kinds of gymnastic exercises and contests, such as hurling the javelin or the discus, or dancing and playing at ball, the last two at least being eagerly pursued by the suitors of Penelope and the Phæacians.[1] To these we must add games with dice and draughts.[2] Odysseus declares at the table of Alcinous that he knows no time more agreeable than when gaiety reigns in the land, and banqueters sit in every house, listening to the bards, while the tables are loaded with bread and meat, and the cup-bearer carries round delicious wine, drawing it from the mixing bowl, and pours it into the cups.[3] And in truth such delights of life as these were always duly appreciated by the Homeric heroes. They eat and drink well and sumptuously regularly three times in the day,—at the *ἄριστον* in the early morning, at the *δεῖπνον* at mid-day, and at the *δόρπον* in the evening.[4] When a stranger arrives, meat and drink are immediately set before him, and it is considered uncourteous to ask after his name or business until he has taken food. Entertainments are frequent, and appear under various names, the meanings of which, it is true, are not always certain. There was the *εἰλαπίνη*, which may describe a drinking-party, since *συμπόσιον* is not in use in Homer; further, the *ἔρανος*, a feast to which the several guests provided their own contribution, and *θοίνη*, which may possibly signify a sacrificial meal.[5] Besides these, there were wedding banquets and funeral repasts. What properly graced the feast, however, was not considered to be the eating and drinking, but the entertainment, and so we see that Odysseus in his exclamation does not forget to mention the bard. Song and minstrelsy add grace to the pleasures of the table,[6] and the guests sit still for long, and listen to the bard, even after the desire of eating and drinking is appeased; while sometimes, as in the solemn feast in the

---

[1] *Od.* iv. 626, vii. 260, 372, xvii. 605.

[2] *Od.* i. 107; *Il.* xxiii. 88.

[3] *Od.* ix. 5.

[4] Probably it is now universally acknowledged that *ἄριστον* is not the neuter of the superlative *ἄριστος*, as several have supposed, because a good breakfast is the best beginning for a day's work. It is derived from the same root as *ἔαρ*, *the spring*, while the termination may be explained from *ἐστόν*, *eaten*. Cf. Pott, *Etym. Forsch.* i. p. 101, and Benfey, *Wurzellex*, i. 28, where, however, the assertion that the *ā* is short in Homer has to be corrected.

[5] The substantive, indeed, does not occur in Homer, but only the verb *θοινηθῆναι*—*Od.* iv. 36.

[6] *ἀναθήματα δαιτός*, *Od.* i. 152, of which the dance also was one—xvii. 430.

house of Menelaus, dancers come forward and amuse the company with their art.[1]

We cannot leave this heroic world of Homer without a glance at the side which is especially described by the Epos, namely, the conduct of war. A war, it is true, like that against Troy, concerning the reality of which every one may judge according to his ability and inclination, never occurred either before or since, while the songs of other ancient poets concerning the struggle of the Argonauts, or the war of the seven heroes against Thebes, or that of the Epigoni, are no longer extant. We hear much, however, of petty feuds, carried on by the peoples with one another for the sake of disputed territory, piratical raids, the lifting of cattle, and the like; and we may well believe that quarrels of this sort were sufficiently frequent in that period of antiquity, although we are not at liberty to discern in this fact a proof of any such lawless condition of continual war of each against all as some have been led to infer from the perusal of their Homer. Since, however, all these feuds are only briefly alluded to, and not expressly described, we must confine ourselves to the account given in the Iliad of the Trojan war. Here then we see the army, after being conveyed across in 1186 ships from almost every quarter of Greece, and amounting in all to more than 100,000 souls, face to face with the hostile town, though at a considerable distance from it, and encamped upon the sea-shore. The ships are drawn up on to the land, and stand in a line, one behind another, in the camp.[2] This resembles a large town, has a marketplace for assemblies and trials, with altars for religious ceremonies,[3] while the tents of the princes are like spacious and imposing houses, being even furnished with an antecourt and its colonnade.[4] The camp is surrounded with a trench and a wall, the latter being varied here and there with towers, which our Iliad, in its present form, represents as having first been built in the tenth year of the war, although there are some traces discoverable of another account, according to which the camp was fortified in this way immediately after the landing.[5] The siege merely consists in occasional attempts to storm the walls of the town. On some occasions the Trojans also advance and oppose themselves in the open field to the besiegers, though it appears from our Iliad that these attacks were never made

[1] *Od.* iv. 18.

[2] *Il.* xiv. 32, *seq.*

[3] *Il.* xi. 807.

[4] Thus in *Il.* xxiv. 644, 673, the tent of Achilles, which is also called *οἶκος* and *δόμος*—line 471, 572.

[5] Cf. my remarks on the subject in *den Jahrbüchern f. Philologie und Pädagogik*, vol. lxix. (1854), p. 20.

until the tenth year of the war.[1] The Greeks on their part, besides these repeated attacks upon the wall, undertake frequent expeditions into the neighbouring regions, and even to the nearest islands, in order to gain provisions and other booty, while the chief hero, Achilles, boasts on one occasion that he had destroyed no less than three-and-twenty towns in such expeditions, undertaken partly by sea, partly by land.[2] In addition to the provisions thus gained by plunder, the Greeks also receive supplies from friendly islands like Lemnos.[3] In the battles they fought sometimes with horses, sometimes on foot. By the former, however, we must understand, not riders, but combatants in chariots, a method of fighting unknown to historical Greece, and with regard to which it can hardly be ascertained by what right it is attributed by the Epos to its heroes. The princes and nobles fight almost invariably in chariots, and only in exceptional cases on foot. I consider it superfluous to give any description of the war-chariot, and shall only say that it had two wheels, and was drawn by two horses, to which, however, a third was often harnessed as a led-horse for reserve. It carried two men, the combatant and the charioteer, the latter of whom also belonged to the noble classes, and was a friend and comrade-in-arms of the warrior, whose place he sometimes exchanged for his own, and carried the weapons, while the other seized the reins. The warrior frequently dismounted from his chariot and fought on foot, in which case the charioteer always kept as close as possible, in order to be able to take him up again, as soon as necessity required. The arms and armour of the heroes, or at least the principal parts of it, are best seen in the description which is given in the eleventh book of the Iliad of the arming of Agamemnon. He first puts on the greaves or metal plates[4] fitted to the shape of the leg, and, as we must suppose, lined with leather, or some similar material, and fastened on by clasps or buckles, and which protected the leg from the ankle to the knee. Next the iron coat of mail, consisting of a breast- and back-piece, and adorned not only with stripes of particoloured metal, but also with figures. He then throws the sword over his shoulders, or, in other words, suspends the sword-strap from

[1] *Jahrbüchern f. Philologie und Pädagogik*, vol. lxix. p. 16.

[2] *Il.* ix. 328.

[3] *Il.* vii. 467.

[4] The metal from which Hephæstus prepared the greaves for Achilles is called κασσίτερος (*Il.* xviii. 613, and xxi. 592), a name which among later writers is admitted to be zinc; whether it was so in Homer is doubtful. Many declare it to have been the so-called "work" raised on the first smelting of the silver ore, in which the silver is not pure, but mixed with lead. The word is of Semitic origin.

them which supported the sword, adorned at the hilt with golden knobs, and concealed in a sheath, itself ornamented with gold. He next takes the shield, large enough to protect the whole body, and richly embellished with several rims of different metals, with a number of projecting knobs, and the face of a terrible gorgon. This was suspended on the side, in the middle of the broad strap which was worn there. Finally, he puts on the helmet, ornamented with a horse's tail or a towering plume, and takes not one but two spears.[1] Other portions of the armour, unmentioned here, are specified elsewhere, as, *e.g.* a girdle, which may possibly serve to hold together the two pieces of the coat of mail underneath; also an apron, possibly of leather, covered with metal plates, in order to protect the lower parts of the body and the thighs.[2] It is clear, however, from several passages that the heroes were not all equipped in precisely the same way. A *chiton* is frequently mentioned as a military garment, and was apparently a coat of mail, possibly made of leather, and overlaid with metal plates, or formed of ring or chain armour. The Locrian Aias, according to the Catalogue of the Ships, wore a linen cuirass, as did the Trojan Amphius from Percote; but in the other parts of the Iliad no such custom is alluded to. As offensive weapons we find, besides the spear and the sword, which served for fighting at close quarters, slings and cross-bows—the special weapons of the Salaminian Teucer among the Greeks, and of Alexander and the Lycian Pandarus among the Trojans,—as well as javelins, shorter and lighter than the spear, although the latter was occasionally used not only for thrusting, but for hurling from a short distance. There were moreover battle-axes and war-clubs or maces, though these do not appear in the combats before Troy. We find however that stones were frequently employed in war, immense fragments being hurled by the heroes, such as two men could hardly raise, such as mortals now are.[3] The great body of the army must of course be

[1] No doubt there had been in Greece, as in other countries, a time in which only copper or iron weapons were carried, and in the *Works and Days* of Hesiod, v. 150, the name of the iron age is derived from this fact. But that Homer's heroes had not merely iron weapons, as some of the ancients have imagined, as, *e.g.* Pausanias, iii. 3-6, is proved by the frequent mention of iron,—iron spits, *Il.* iv. 123, slaughter-knives, xxiii. 30, xviii. 34, and the like, and by the expression *αὐτὸς γὰρ ἐφέλκεται ἄνδρα σίδηρος*, *Od.* xvi. 294, xix. 113. When *χαλκός* and *χάλκεος* are used of offensive weapons, iron is no doubt to be understood, since *χαλκός* is used as a general name for every metal, and here *χαλκεύς* is a term applied to goldsmiths in *Od.* iii. 425, 432, as well as to iron-smiths, *Od.* ix. 391, 393.

[2] Cf. Rüstow and Köchly, *Gesch. des griech. Kriegswesens*, p. 12,—a book in which the imagination of the author has produced more than can fairly be derived from the original sources.

[3] *Il.* v. 304, xii. 449, xx. 287.

supposed to have been for the most part lightly armed. Some people are described as fighters at close quarters, as, *e.g.* the Arcadians, while this is the standing epithet of the Dardanians; others are shooters with the bow, like the Thessalian followers of Philoctetes; others fight with the lance, like the Abantes of Eubœa, while many wore no kind of armour except helmet and small shield. It is said of the Locrians that they were unsuited to fighting at close quarters and in serried ranks, because they carried neither shield nor lance nor helmet, but only bows and slings. The combatants, with the exception of the slingers and bowmen, arranged themselves in ranks and columns (phalanxes), and so advanced against each other. They are compared with reapers, who in two divisions and from opposite sides advance through the corn-field until they meet. Then the fight begins: shield clashes on shield, lances cross, and soon the earth swims in the blood of the wounded and slain.[1] They mostly however remain at a spear's-throw from one another, and arrows, javelins, darts, and stones are hurled from both sides, while only the foremost heroes, generally in chariots, but also often on foot, advance into the intervening space between the two armies,—the bridge of the battle, as it is described in the Iliad. These shout encouragement to their followers—being hence called the "shouters in the fight"—as they rush upon the line of the enemy, and when they succeed in laying low one of the bravest warriors, the rest immediately flee, and their ranks break. Not unfrequently, however, single combats arise between the heroes, during which the armies were apparently rather spectators than combatants. These combats were sometimes fought from chariots, sometimes on foot. The warriors first hurled their spears against one another, and then seized their swords. The arms of the fallen were dragged off by the conqueror, who often sought to obtain possession even of the body, that he might cast it for a prey to dogs and birds, and for this reason the hottest struggles were fought out round the bodies of the heroes. The greater number of the dead however remain on the plain until an armistice is concluded in order that they may be carried off and burnt.[2] Fallen heroes are honoured by their countrymen with a distinguished funeral, as Patroclus was by Achilles, and Hector by the Trojans. The corpse of Patroclus, after it was at last successfully snatched away from Hector, was brought into the camp and to the tent of Achilles. Here it was washed with warm water and anointed with oil, then laid upon a bed and veiled with linen,

[1] *Il.* xi. 67, iv. 446, viii. 60.

[2] *Il.* vii. 376, 394, 408 *seq.*

while a white robe was spread above. The whole night through he was surrounded by the Myrmidones, wailing and weeping, and Achilles himself refuses meat and drink until he shall have avenged his death, before which he refuses even to bury the corpse. When his revenge was accomplished, and Hector slain, preparations were made for the funeral. A funeral pile was erected and the corpse placed upon it, escorted by the Myrmidones, all in complete armour, in chariots and on foot. They all cut off the hair from their heads and cast it on to the funeral pile. Sheep and oxen are slaughtered, and the corpse covered over with the fat, the liver being laid upon the pile. Vessels filled with honey and oil are placed beside the bier, while four horses, nine dogs, and twelve captive Trojans are killed in order to be burnt with it. The pyre is then kindled, and after it is burnt down to the ground the embers are extinguished with wine, the bones of Patroclus collected and placed in a golden urn, in which they are to be preserved, in order, on some future day, to be buried with those of Achilles in a single tomb. Hector's body, after being restored by Achilles, is received in Troy with lamentation and cries of woe, and after it is laid upon the bier, the funeral dirge is raised by singers, while the women, his mother, his wife, and Helen, address to the dead hero the last words of love and farewell. Then the funeral pile is erected, kindled, and extinguished with wine, the bones are collected by the mourning brothers and friends, placed in a golden urn, and wrapped in the folds of a purple napkin. In this manner they are laid in the grave, over which a slab of stone is placed, and a mound heaped up, and last of all the funeral feast was held. "And so they celebrated the funeral of the warrior Hector."—This is the closing verse of the Iliad, and with it we may conclude this description of the heroic world.

HISTORIC GREECE.

PART I.

General Characteristics of the Greek State.

CHAPTER I.

DISTINCTIONS OF RACE AMONG THE GREEKS.

In the foregoing description of the Homeric age no mention has been made of distinctions of race among the Greeks, or of any distinguishing characteristics of these races, for the simple reason that the Homeric poems, with the exception of a few intimations in reference to their mode of dress and order of battle, give us no information on the subject. It has already been mentioned that the Ionians are once described as ἑλκεχίτωνες, that is, as wearing tunics which descended to the heels. The epithet certainly points to a mode of dress peculiar to this race, and unusual among the other Greeks, but the passage in which the Ionians appear is justly considered to be a later interpolation, and nothing can be proved from it in regard to the Homeric representation of the heroic age. In the Catalogue of Ships we find the epithet ὄπιθεν κομόωντες, "wearing the hair long behind," applied to the Abantes to describe their habit of cutting the hair short in front, leaving it to grow at the back of the head, in contrast to the curled locks of the Achæans, who wore their hair uncut all round. But even the Catalogue is no authentic evidence for the genuine early Epos, and this distinction in the mode of wearing the hair is in itself of no peculiar importance. Nor is more weight to be assigned to the passage in which the Locrians[1]

[1] *Il.* xiii. 714. Pausanias, i. 23. 4, remarks that the Locrians were hoplites at the time of the Persian war.

are said to have carried only sling and bow, and to have used neither spears, shields, nor helmets. Nowhere do we find mention of properly characteristic distinctions which point to a difference of race—a circumstance which is the less surprising, since any such distinctions are scarcely discoverable even between the Greeks on one side and their enemies, the Trojans and their allies, on the other. Whether the old bards, when they represented all these as conversing together without interpreters, really believed that their languages were not distinct, or whether they only employed the same freedom, of which all later poets rightly avail themselves in similar cases, may be left undecided. This much however is certain, that no conclusion whatever can be drawn from that circumstance with reference to a true ethnographical relationship. For the poet makes Odysseus converse in Greek intelligently and without difficulty with Cyclopes, Læstrygones, and Phæacians, although elsewhere he shows that he also knew of men who spoke a strange language.[1] When the Carians are termed barbarous in speech, it by no means proves, as we remarked above, that they are to be considered barbarians in the later sense of the word,[2] or that they spoke a non-Greek language more decidedly than the other Trojan allies; while if their language, as was probably the case, was composed of Greek or semi-Greek elements mixed with Semitic, this might certainly be described by the epithet in question as a peculiar jargon. The same explanation may apply to the rough-speaking Sintii of Lemnos, who are declared by ancient inquirers to have been a semi-Greek people of Thracian or Tyrrhenian descent.[3] Lastly, the Odyssey mentions several peoples in Crete, each of which spoke its own language; but whether any of them were intelligible to the rest, or which were so, we are not informed.

When we leave the ideal world of Homeric poetry for the region of historical tradition, we are at once confronted, no longer with the uniformity which prevailed there, but with

---

[1] *Od.* i. 183: The Taphian Mentes sails to Temesus ἐπ' ἀλλοθρόους ἀνθρώπους. iii. 302: Menelaus and Odysseus are forced to wander ἐπ' ἀλλοθρ. ἀνθρώπους. xiv. 43, xv. 453: The Phœnicians carry slaves ἐπ' ἀλλοθρόους ἀνθρώπους. In the comparatively late hymn to Aphrodite, the goddess who appears to Anchises in the form of a Phrygian maiden finds it necessary to explain how she became acquainted with two languages—v. 113.

[2] The Iliad in two places—ii. 804, iv. 437-8—shows that the allies of the Trojans spoke different languages; but how great the difference is to be considered must be decided by each reader for himself.

[3] The Sintii are called ἀγριόφωνοι in *Od.* viii. 294. According to Hellanius in the Schol. they are μιξέλληνες; according to Strabo, vii. p. 331, Thracians; according to the Schol. in Apollon. Rh. i. 608, Tyrrhenian; according to Philochorus in the Schol. to *Il.* i. 954, Pelasgians.

as great a multiplicity and diversity. The collective stock of Greek nationalities falls, according to the view of those ancient writers who laboured most to obtain an exact knowledge of ethnographical relationships, into three main divisions, Æolians, Dorians, and Ionians.[1] To the Ionians belong the inhabitants of Attica, the most important part of the population of Eubœa, and the islands of the Ægean included under the common name of Cyclades, as well as the colonists both on the Lydian and Carian coasts of Asia Minor, and in the two larger islands of Chios and Samos, which lie opposite. To the Dorians within the Peloponnese belong the Spartans, as well as the dominant populations of Argos, Sicyon, Phlius, Corinth, Troezene, and Epidaurus, together with the island of Ægina; outside the Peloponnese, but nearest to it, were the Megarid and the small Dorian Tetrapolis (also called Pentapolis and Tripolis) near Mount Parnassus; at a greater distance were the majority of the scattered islands and a large portion of the Carian coasts of Asia Minor and the neighbouring islands, of which Cos and Rhodes were the most important. Finally, the ruling portion of the Cretan population was of Dorian descent. All the other inhabitants of Greece, and of the islands included in it, are comprised under the common name of Æolians—a name unknown as yet to Homer,[2] and which was incontestably applied to a great diversity of peoples, among which it is certain that no such homogeneity of race is to be assumed as existed among the Ionians and Dorians. Among the two former races, though even these were scarcely in any quarter completely unmixed, there was incontestably to be found a single original stock, to which others had merely been attached, and as it were engrafted, whereas, among the peoples assigned to the Æolians, no such original stock is recognisable, but, on the contrary, as great a difference is found between the several mem-

[1] The ancients appear to have regarded Ionians and Achæans as branches of a single stock, which, in a poem of Hesiod (*Tzetzes on Lycophron*, v. 284), is personified under the name of Xuthus, and placed by the side of the Æolian and Dorian races, whereas on the other hand the Achæans were assigned by later writers to the Æolians, as by Strabo, viii. i. p. 333. The former were probably influenced by the discovery or opinion that some close relationship existed between Ionians and Achæans, while the later view may rest on the fact that the Æolian colonists in Asia Minor contained a mixture of Achæans from the Peloponnese, and Æolians from Bœotia. Pindar, *Nem.* xi. 34 (43), describes the emigrants led from Laconia by Orestes and Peisander as an Æolian horde.

[2] Even the Ionians only appear in Homer in one passage of the Iliad, xiii. 685; and the Dorians in one of the Odyssey, xix. 177, in connection with Crete.

bers of this race as between Dorians and Ionians, and of the so-called Æolians some stood nearer to the former, others to the latter. With regard to the Achæans, who were also counted as Æolians, it is highly probable that they were nearer akin to the Ionians,[1] while most of the inhabitants of central and northern Greece were probably rather of Dorian blood; and a thorough and careful investigation might well lead to the conclusion that the Greek people was divided not into three, but into two main races, one of which we may call Ionian, the other Dorian, while of the so-called Æolians some, and probably the greater number, belonged to the former, the rest to the latter.

The characteristic difference between the two main stems, a difference pointed out with sufficient frequency by the ancients, becomes most visible to our eyes in the nature of their speech. The Doric, under which we include for the present the Æolic, unmistakably appears to be the more ancient of the two, or rather it remains truer both in sound and inflexion to the type of the common speech of the race, as we know it from Comparative Philology;[2] whereas the Ionic dialect presents us with a stage of development which is in several points a departure from that type, although we are not on that account justified in considering it a younger language. It may, on the contrary, be conjectured that the Ionians severed themselves from the original stock at an early period, and on that account departed in language, as in other respects, further from the original type. To the ear the Doric dialect gives the impression of greater hardness and roughness. The predominating vowel is *a*, the most frequent consonant *r*, while the labial spirant forms the commencement of many syllables both at the beginning and middle of words—a feature which, though not originally alien to the Ionian dialect, must have fallen into disuse at an early period. In contrast with the Doric the Ionian is distinguished by greater softness and flexibility, a more complex vowel-system, and a greater fulness and diversity of forms.

The same difference is not less conspicuous in the domain of mental and moral life, where the peculiar spirit of a people is generally most clearly manifested; in the domain of art, and

[1] According to Pausanias, ii. 37. 3, the Achæan Argives, before the migration of the Heraclidæ, spoke the same language as the Athenians.

[2] Here it may be remarked that the Æolic speech on the mainland of Greece proper, *e.g.*, in Bœotia, appears to have been more conservative than the dialects of the emigrants, though it is true that we only know this from the fragments of the Lesbian poets. The former, for example, has retained the dual, certainly a very ancient form, the latter has given it up.

especially of architecture and music. The Doric style of architecture is universally described as characterised on the one side by firmness, solidity, and direct adaptation to its end, and on the other by a noble simplicity and harmony; while in contrast to it the Ionic style is marked by careless grace, elegance, and a more varied kind of ornamentation. In music, which is a kind of architecture in sounds, as architecture is music embodied in external forms, the Doric school is accredited with an earnest and dignified character, with a capacity for quieting the excitements of passion, and for producing a firm and manly disposition of soul,—a statement which holds good, as well of the harmony, of which we can only judge by hearsay, as of the rhythm. The Ionian school, on the contrary, is said to have been characterised by an effeminacy and voluptuousness which made it on the one side the favourite melody of gay society, and on the other the appropriate vehicle of melancholy and complaint.

In poetry also the distinction between two races may easily be discerned. The Epos, which, if we confine ourselves to that on which we can form a judgment either from extant fragments or from definite traditions, was the most ancient form, most certainly had its root in a period anterior to the extension of the Dorian race, and in which the dominant people was Achæan, a stock closely related to the Ionians. For this reason, even after it had become a common heritage, and was cultivated by all the different races, it always bore what must be called an Ionian stamp, not only in the language, but also in the whole method of representation. True it is that even Homer, after whom the two great Epic poems are usually named, appears to have belonged both on the score of origin and history to both the races in common, and that at a later period there was no lack of Epic poets among the Dorians, yet nevertheless the Ionian bards were superior as well in numbers as in importance. Thus the Ionian island of Chios produced a school of Homeridæ, whereas in the other races Epic poetry departed from the Homeric character, and rather pursued as its end a popularisation of miscellaneous ancient legends, than a description of great men and great deeds, such as at once excites and satisfies the heart and imagination. In general, in the poetry of the Dorian race there prevails a certain practical tendency, related to the immediate interests of life, as the poet now communicates instruction, now describes character or action; whereas that other kind of poetry, which illustrates in the figures, which it represents, higher and more universal ideas, attained its perfection among the Ionian stock. But

even in those regions of the intellectual life, which are further removed from the common life of the people and from general sympathy, a difference between the two races may still be traced. Philosophical speculation took its rise among the Ionians, and was chiefly occupied with the problems of natural philosophy concerning the world and the forces which have created and govern it, thus manifesting a spirit keenly interested in nature and external objects. On the other hand, among the Italian philosophers, who, with the exception of Pythagoras, the first of their number, and whose birthplace at least was Ionian, mostly belonged to the Doric stock, speculation almost exclusively took mind and mental relations for its object, considering even nature herself from this point of view. Side by side however with this, it was soon turned towards human life, and commenced the construction of—what the Ionians had left completely in the background—practical philosophy and ethics.

Once more: in the knowledge of antiquity and in the investigation and registration of remarkable things and events, both at home and abroad, the Ionians displayed far greater activity than the Dorians. Of the logographers or writers of history previous to Herodotus, all, with the exception of Hellanicus of Mitylene, and Acusilaus of Argos, were Ionians, and even the non-Ionian writers, as far as we can judge, availed themselves of the Ionic dialect.

Finally, an artistic prose diction always remained the peculiar property of the Ionian race, never being cultivated by the Dorians, whose writers indeed confined themselves to the narrowest possible bounds, and had no aim beyond clearness, precision, and brevity of expression.[1]

Now, although in these features a general difference between the Ionian and Dorian characters is certain and unmistakable, yet, on the other hand, it is no less certain that on a nearer consideration of the particular peoples belonging to these two races, their original characteristics appear in many points to have been modified and altered in consequence of the conditions and relations resulting either from their history or from natural surroundings. For just as the members of the two races were frequently intermingled, being everywhere near neighbours and engaged in continual intercourse and mutual communication, so too their peculiarities became necessarily mixed, and the characteristic distinctions more or less extinguished. For

[1] Cf. Müller, *Dorians*, vol. ii. pp. 392-3. Hippocrates of Cos, a Dorian, writes not in Doric, but in the Ionic dialect,—as Ælian supposes, to please Democritus (*V. H.* iv. 20).

example, Dorian music and Dorian architecture were naturalised even among Ionian peoples, and even the primitive dress of the Ionian race, the long robe reaching to the heels, was exchanged for the short close-fitting Dorian cloak. For this reason, in a review of the Greek peoples, it is easy to be mistaken as to the distinguishing character of the races.[1] Among undoubted members of the Dorian race especially, the genuine Doric stamp was often so completely effaced as to become unrecognisable, and instances of degeneracy and variation are met with which must rather be termed a reaction against the characteristics of the race than a development of them. The Doric Corinthians, for example, the Argives, the colonists belonging to the same race in Corcyra, Tarentum, and Syracuse, very imperfectly correspond with the representations of the Dorian character which the ancients themselves have handed down. And above all, in the multitude of so-called Æolian peoples a considerable proportion are conspicuous for characteristics essentially opposed to the Dorian nature, which find expression both in general customs and mode of life, and especially in their music, which in direct contrast with Dorian simplicity, moderation, and strength, is reproached with being voluptuous, soft, and surcharged with emotion,—quite in harmony, says an ancient critic,[2] with their tendency to luxury, festivity, and dissolute behaviour.

But the Spartans are the people who are universally described as possessing the Dorian character in its greatest purity, and in them it appears under a shape to which no one can refuse respectful recognition. It must be confessed, however, that a one-sided exclusiveness, and an exaggeration of the firmness and constancy, which were parts of the Dorian character, was promoted by their antipathy to the freer emotions of other States, which seemed to threaten the very principle of the Spartan government. So, too, the opposition between a dominant and a subject population fostered an offensive egoism which appeared with still greater clearness in later days, when the Spartans entered on a career of distant conquests in order to maintain their supremacy in Greece. At the same time, the virtues of the old Dorian character became undermined and destroyed by the ever-increasing and corrupting contact with foreigners.

The Ionian character, on the other hand, developed itself first in the Asiatic colonies. Here frequent contact with other

---

[1] As seems to be the case with Grote, *History of Greece*, vol. ii. p. 263.

[2] Heraclides Pont. *in Athenæus*, xiv. p. 624.

peoples, many of them far superior in culture, seemed to call forth the mental qualities of this highly-gifted race, and to stimulate a full and varied development of them; while in the mother-country, where such influences were less active, the germs slumbered longer, but only to unfold, when their time was come, a proportionately richer perfection and beauty. It was reserved for the Athenians not only to receive, to cherish, and to cultivate for themselves all that there was of higher or nobler culture among both races of Greece, but also to extend it more widely and to raise it higher, even to the highest point which the Greek nation was destined to attain.

CHAPTER II.

THE GREEK STATE: ITS IDEA AND ITS CONDITIONS.

ON our first entrance into the historical period a common characteristic of the collective Greek race manifests itself in its decided tendency towards a republic, that is, towards a constitution which, instead of placing an individual at the head of the government and administration of the commonwealth, intrusted these functions to a body of the citizens, large or small. In this respect too we may notice (in connection with the preceding chapter) frequent reference in the ancient writers to a difference underlying the characters of the two races, in accordance with which they attribute to the Dorians an especial tendency towards aristocracy.[1] By this, however, we must by no means understand the government of a privileged class, such as is generally, though by an abuse of language, honoured with the name, but simply a restricted popular government, in which judicious institutions provide that only proved and worthy citizens shall be intrusted with the conduct of public affairs. On this subject we shall have more to say in the sequel.

In view of the multitude of States into which Greece was divided, as well as the diversity of their institutions, it would be indeed an extensive and far-reaching undertaking to depict them individually, even if our sources of information offered us sufficient material for the purpose. This, however, is not the case; our knowledge is throughout fragmentary and defi-

[1] *E.g.* Plutarch, *Arat.* c. 2: ἐκ τῆς ἀκράτου καὶ δωρικῆς ἀριστοκρατίας.

cient, and it is only in the case of Athens, Sparta, and in some measure of Crete, that we have sufficient information to frame a picture, not entirely inadequate, of the forms of their constitution and administration. With respect to all the rest, we have nothing but occasional, isolated, and unconnected remarks, from which at best only a general idea can be gathered of the nature of their political organisation; while any more exact knowledge is unattainable.

Most of the notices which are to be found in Grammarians, Scholiasts, or Lexicographers seem to have been derived either directly or indirectly from that copious work of Aristotle, in which he described more than 150 constitutions, as well of barbarian as of Greek States, a work of which the loss is irreparable. The extant work on the State in eight books contains a political theory, in which frequent mention is indeed made of the forms and institutions existing in different States, but these for the most part consist in brief intimations which, in the want of information from other sources, must frequently remain obscure and unintelligible to us. But so much the more important is that theory itself, and in considering the Greek political system it must necessarily serve as our starting-point. For in Aristotle we have to deal not so much with a purely speculative construction as with a truly philosophical discussion, which, as such, goes hand in hand with history, and never deserts the ground of reality. The political action of the Greeks is explained and criticised by him with the profoundest appreciation, and what he puts forward as the idea and essence of the State, far from being a self-constructed ideal, is derived from a thoughtful consideration of the existing States. It is the true idea, some portion of which is present in them all, small as it may be, much as it may be mixed with and obscured by falsehood; for it is evident that in the States of Greece, as elsewhere, particular relations and requirements must have asserted themselves, and given to the actual and ideal State very different forms.

That which by more modern theorists has often been regarded as the highest or the only attainable end of the State, namely, the security of the rights of its members,[1] is, according to Aristotle, on the contrary, rather the condition or means towards the end. The end itself is moral life (*εὖ ζῆν*); which is explained as a life of happiness and honourable conduct (*τὸ ζῆν εὐδαιμόνως καὶ καλῶς*), consisting in the freedom

[1] See Fr. Muhrard, *Zweck d. Staats*, § 83, where the representatives of this view are given. Cf. also Schleiermacher, *Reden und Abhand.* (*Werke*, iii. 3), § 232 *seq.*; Trendelenburg, *Naturrecht*, § 41.

of virtuous, or, in other words, of rational and moral action.[1] But neither the inner capacity of soul nor the external conditions necessary for this end are possible outside the pale of the State. Consequently, since the distinguishing characteristic of humanity consists in rational and moral action, man can only become truly human in the State. To this he has been dedicated by nature, insomuch that the relation of each individual to the State is that of a part to the whole which contains it. Just as in organic life no member is created for itself or its own purposes, but only for union with the other members in the whole, so man is created for the State; and as it is true that the idea of the whole is anterior to that of the part, thus in like manner the State must be prior to the individual.[2] Nature has not produced the individual as a being existing for himself, but as a member of the whole to which he belongs. For this reason it is that the instinct towards society is innate in mankind, and this alone, were there present no external ground, such as the need of mutual assistance, would irresistibly drive man to union with his fellows and to the formation of the State. For the parts must by a law of nature unite themselves to form the whole, because in themselves and alone they are nothing, and only gain reality when united in the whole.

Now, although it must be confessed that the popular consciousness of the Greeks regarded the origin of the State with far other eyes than did the philosophic theorists, yet in all there operated more or less the feeling and the conviction that the individual existed not for himself but for the State; and through this conviction the amount of what the citizen had to render to the State, and what he was to demand from it in return, was fixed according to a standard impossible for the modern State with its notion of positive rights. But what to the philosopher was a law of nature, to the religious consciousness of the people was a divine ordinance. To it the State was no product of nature developed from instinctive impulses, but an institution of the gods who had themselves commissioned and instructed for this purpose those founders and lawgivers

[1] The State, according to *Pol.* iii. 5. 13, is ἡ τοῦ εὖ ζῆν κοινωνία, *i.e.* τοῦ ζῆν εὐδαιμόνως καὶ καλῶς (§ 14). But εὐδαιμονία, according to *Eth. Nic.* x. 7, is ἐνέργεια κατ' ἀρετήν. Cf. *ib.* i. 6, τὸ ἀνθρώπινον ἀγαθὸν ψυχῆς ἐνέργεια γίνεται κατ' ἀρετήν.

[2] *Pol.* i. 1. 9, φανερὸν ὅτι τῶν φύσει ἡ πόλις ἐστὶ καὶ ὅτι ἄνθρωπος φύσει πολιτικὸν ζῷον. § 11, καὶ πρότερον δὴ φύσει πόλις ἢ ἕκαστος ἡμῶν ἐστίν. τὸ γὰρ ὅλον πρότερον ἀναγκαῖον εἶναι τοῦ μέρους· ἀναιρουμένου γὰρ τοῦ ὅλου οὐκ ἔσται ποῦς οὐδὲ χείρ. *De part. animal.* ii. c. i., τὰ γὰρ ὕστερα τῇ γενέσει πρότερα τὴν φύσιν ἐστί, καὶ πρῶτον τὸ τῇ γενέσει τελευταῖον.

of antiquity by whom political constitutions and ordinances had been established.[1]

Beyond this no one will be so foolish as to maintain that the end of the State, as conceived by Aristotle, was also clearly and definitely conceived by the popular consciousness. But the fact is nevertheless incontestable, that in the eyes of a Greek the State was something more than a mere guarantee for security, and that he expected from it something more than the mere protection of his rights. Its function was to secure him the satisfaction of his higher spiritual and moral necessities, to facilitate the development of human talents and human forces, and to provide space and means for worthy action and a worthy enjoyment of life. But in what this worthy enjoyment and action were to consist, what the nature of this development of human talents and forces was to be, in what measure and to what extent the State was intended or could have sufficed to secure for its members the satisfaction of spiritual and moral necessities; in a word, how far individual freedom was consistent with the objective idea of the State,—are certainly questions which were differently understood in different States and at different periods, and the solution of the problem was attempted in different ways. That no State discovered this solution must be admitted by the warmest admirer of Greek antiquity, but he will never admit the justice of reproaching the Greeks with failing to reach an end which no subsequent State or people has ever attained.

But whatever the conception formed of the object of the State, and whatever the divergency of the views entertained regarding it at different periods and in different States, there were nevertheless always certain elements which were necessarily presupposed for every State without exception, as absolute and indispensable requirements. The State was intended to be a union of men sufficient in itself for the attainment of its end, and capable of securing for itself all things requisite for its existence and maintenance.[2] This condition was absolute; without it no true State could be conceived. Neither in Greece itself, nor in any of the lands inhabited by Greeks, was the attainment of this self-sufficiency and competence dependent upon the possession of extensive territory. Even the largest of their States occupied a territory of very few square miles, with a capital of moderate

[1] Cf. Demosth. *contr. Aristocr.* § 70; *contra Aristoget.* i. § 16; Antiph. *de venef.* i. 3; *Aristidis Panathœnaica*, p 313; Diodot. i. 94; Strabo, x. p. 482; Clem. Alex. *Strom.* i. 26, 170.

[2] Cf. Arist. *Œcon.* i. 1, *Pol.* iii. 5. 14, viii. 4. 7; Plato, *Repub.* ii. p. 369 B.

size and a number of smaller towns, and according to Greek ideas that State possessed the most suitable proportions whose citizens were neither so numerous nor so scattered as to render impossible their union for general assemblies and personal intercourse with one another. Too large a State, says Aristotle, is not easily to be retained under good legal order, and those States whose reputation for order and stability is the highest do not in point of population and territory exceed the medium standard, although, on the other hand, a State must not be so small as to be inadequate for the satisfaction of its own wants.[1] Such cases there certainly were here and there in Greece, especially in the smaller islands, and these for that reason were generally spoken of with some contempt as scarcely deserving the name of States.[2]

With respect to the quality of the land, that was naturally considered the best which could of itself supply the greatest number of needs, and which, in the second place, was so shut in by natural barriers as to secure for its inhabitants facilities both for defence against an invader and in case of necessity for attack, two conditions which were naturally not fulfilled in all parts of Greece with equal ease, or to the same extent. On the whole, however, each district was enclosed by natural boundaries, and possessed a soil of such a quality as to supply at least the necessaries of life, so that its inhabitants, even when isolated, seldom ran the risk of falling into such a state of famine as that which Aristophanes in the *Acharnians*, with comic exaggeration, represents the Megarians as bemoaning. But in most cases the vicinity of the sea facilitated the importation of whatever was required from foreign lands, provided only that navigation was allowed. Too active a commerce, however, appeared undesirable to the statesmen of those days, and even ill calculated for the attainment of the highest end of the State, because by its means a large population was produced, and numerous strangers attracted to the State, who might easily prove prejudicial to the maintenance of law and good order.[3] The city, as the real centre and heart of the State, was, according to Aristotle, to be well situated, not only with a view to the necessary intercourse by land and water, but also for defence against invaders, for the various occupations of the citizens, and for their general health. In what measure individual Greek cities satisfied these demands it is hard to determine. In ancient times, says Thucydides, the

[1] Arist. *Pol.* vii. 4. 3-8.
[2] See passages in *Charit.* p. 558; and Müller, *Æginet.* p. 193, 1.
[3] Arist. *Pol.* vii. 5. 3.

cities were situated at some distance from the sea on account of the piracy which then prevailed, whereas in later times of greater security in this respect, positions on the coast were preferred.[1] On the whole, however, the evidence shows that the situation of the Greek cities was generally good. There was no want of good harbours for navigation, nor, where they were necessary, of contrivances for supplying the city with good drinking-water, of which we have special evidence in the case of Athens, Megara, Sicyon, and Samos.[2] Less however was done in this respect by the Greeks than by the Romans in Italy.[3]

In addition to these requirements for a city, open spaces were necessary for public life and mutual intercourse, as well as for the markets and assemblies of the people. Spaces of this kind were either used for both these ends, or separate localities were assigned to each.[4] In the same way buildings were required as offices for the different magistrates, gymnasia for the young, or clubs or lounges for the men,[5] and temples for the gods. These public buildings Greek taste loved to construct, not merely in a style adapted to the actual wants, but in stately and beautiful forms; while the houses of private citizens were generally, at least in the better times, small and unadorned.[6] In early times, moreover, in the laying out of the streets in their cities more attention was paid to security than to regularity, so much so that irregular streets were considered as especially well designed, because in case of occasional invasion they supplied the inhabitants with facilities for defence, and rendered it more difficult for the enemy to reach them. Regular sites, like those which the Milesian architect Hippodamus recommended, and had, in some buildings designed by him in the Piræus and Rhodes, actually carried out, belong to later times, subsequent to the second half of the fifth century.[7]

The surrounding country, filled with partially fortified towns of various sizes, necessarily supplied the first wants of life by means of agriculture and cattle-breeding. The land required for agriculture in many quarters could only be reclaimed and protected against the overflow of the neighbouring rivers by continual labour in the construction of works, as in Bœotia and Arcadia, where works of this kind had been executed in the earliest prehistoric period, and in later times only required to be

[1] Thuc. i. 7.

[2] Cf. Curtius on Gerhard's *Archæol. Zeit.* (1847), p. 19 *seq.*

[3] Strab. v. p. 360.

[4] Arist. *Pol.* vii. 11. 2.

[5] Pausan. x. 25. 1; Perizon. ad Ælian, *V. H.* ii. 24.

[6] Demosth. *Olynth.* iii. p. 35. Cf. *Dicæarch. vit. Gr., ad init.*

[7] C. F. Hermann, *de Hippodamo Milesio;* Marburg, 1841.

kept in order. Elsewhere, as in Argolis, carefully devised appliances were needed for the irrigation of the land, which was in summer subject to drought. With proper care, however, and diligence in raising embankments, the land was nowhere ungrateful, but supplied produce of all kinds, different as the degree of fertility might be in particular parts. The land, like such property everywhere, was, as a rule, only in the hands of the citizens, being sometimes, indeed, allowed to non-citizens, but only exceptionally and by special favour. A landowning and agricultural population was considered by the statesmen of ancient times as the most desirable, and agriculture was regarded as the most solid foundation of the State-life, not merely because it supplied the more indispensable wants, but also because it exercised the most beneficial influence on character and habits.[1] On this account the preservation of an agricultural class was very carefully provided for, sometimes even by legislative enactments, and the number of the landowners appears larger than we should have expected, even in those States whose occupations were principally nautical and mercantile, though it must be confessed that their holdings were usually small. Latifundia in the possession of the rich, like those which appeared in the later times of the Roman republic in Italy, and swallowed up small holdings, are never to be found in Greece. Next to agriculture, cattle-breeding was most highly esteemed, a pursuit to which the inhabitants of many districts were especially attracted from the nature of their land, as was the case in a great part of Arcadia.

Handicrafts, too, of all kinds were naturally as indispensable in Greek States as at the present day, and a portion of the population of each city was accordingly occupied in this way. But these employments, fully as their necessity was recognised, were considered by many to be essentially inconsistent with the qualities which were the proper conditions of citizenship, and for that reason were assigned to the non-privileged portion of the population, an arrangement which it must be owned was frequently rendered impossible by the necessities of the case. It seems certain, however, that people of this class belonged rather to the subject than to the ruling portion of the community, and were incapable of being citizens in the full sense of the term.[2] Not less indispensable again was commerce, partly as a means for the exchange of necessaries within the country itself, partly for importing from foreign countries those

[1] Arist. *Pol.* vi. 2. 1; Xen. *Œcon.* c. 6. 9; cf. the opinion of Cato, *de R. R.* c. 4.

[2] Arist. *Pol.* iii. 3. 2, 3.

articles which were not produced at home. The internal traffic within each district was of small extent, and never exceeded the proportions of retail trade (*καπηλεία*); while wholesale trade was by the position of the land attracted to the sea-way, and in many parts of Greece was very brisk. The occupations connected with it gave employment and support to a numerous class of the population, who, however, were generally considered as little adapted to share the life of a well-ordered State.

Finally, both for purposes of self-defence in case of hostile contact with other States, and for the forcible assertion of its own interests, the State needed an efficient military power. But to allow the duty or right of bearing arms to all the inhabitants of the country appears feasible in those States only in which the condition that all should have a common interest in the State is fulfilled. When, as in Greece, this is not the case, it must necessarily appear a dangerous step to put arms into the hands of those who, from the possibility that they might use them against the State, would be a constant cause for anxiety. For this reason non-citizens were either never admitted to military service, or only in exceptional cases. This may be pronounced the general rule, though we shall see in the sequel that in particular States, where relations of a special kind subsisted, the case was otherwise.

Nor were those classes considered better fitted who, from the nature of their daily employments, were debarred from a proper development of their bodies, as, for example, the artisans, who were confined to a sedentary mode of life. "A State," says Aristotle, "which contains a large number of this class may be strong in population, but yet weak in military power. When the relations of the State involve the possession of a naval force, the sailors and pilots may be taken without hesitation from the ranks of non-citizens, but it seems advisable, on the other hand, to take the marines only from the enfranchised class."[1] What we may describe then as the material conditions without which no State can exist are—a territory sufficient for its necessary wants, a city constructed with due reference to its object, the practice of industry and commerce, and a military power adapted both for attack and defence. But besides these there were other conditions which in contrast with them we must term ethical. As a union of men who, in regard to their property, interests, and actions, are incessantly coming into contact with one another, the State has need of certain fixed regulations to define each member's rightful sphere, within which he must be restricted, and to provide against

[1] Arist. *Pol.* vii. 4. 4 and 5. 7.

and punish every deviation from this. Again, since the members of this society, in addition to their own private interests, have also interests in common, some fixed regulation is necessary as to how and in what ways each individual is bound to serve the public good. And, lastly, since the recognition of the public good and the measures necessary for its attainment demand an activity peculiarly directed to that end, there is also need of some certain provision as to how and by what organs this activity shall be exercised. Aristotle with perfect propriety distinguishes between three directions of this activity.[1] The first is to deliberate on the public interest, and to determine the necessary measures and regulations, as well for particular and exceptional cases as for fixed and permanent relations; the second was to secure the practical execution of these determinations and ordinances; while the functions of the third were to punish breaches of the existing legal order, disobedience to the fixed decrees and resistance to the execution of the statutes, as well as to settle legal disputes or questions of privilege and duty. The first we may describe as the function of the deliberative or legislative power, the second as that of the executive, the third as the function of the judicial magistrates. Corresponding to these we may distinguish between three powers in the State, provided that we do not leave out of account the fact that these three powers were never in reality completely distinct from one another, and from the nature of the case never could be so. On the contrary, the executive magistrates were of necessity allowed a certain deliberative and legislative power, since it was impracticable to bind them down in all the details of their administration to fixed rules. In the same way it was impossible to deny them a certain judicial authority in order to decide in case of necessity on the disputes which might occur in their department of administration, and to coerce and punish those who resisted their measures. Nor was it less necessary to grant to the judicial power the privilege of supplying any deficiency in the laws, as their knowledge or conscience might direct, either in cases where no mere interpretation of existing laws without some wider application was sufficient to accommodate them to particular cases, or where no applicable laws whatever were to be found. But in early times both the executive and judicial powers in Greek States were necessarily the more extensive in proportion as there were fewer definite laws bearing on particular cases, and in their stead only tradition and custom.

[1] *Pol.* iv. 11. 1.

The regulations concerning the organisation and working of these three powers composed what we call the constitution of the State. They naturally fall under the general category of laws, in the sense in which we speak in the present day of constitutional laws. But among the ancients a distinction was observed between laws (*νόμοι*) in the most restricted sense on the one hand, and the constitution (*πολιτεία*) on the other; so that the former name was used especially to designate those ordinances which served as a model for the magistrates in their procedure against individuals in cases where disobedience or breaches of order were to be punished, or contested rights to be determined.[1]

CHAPTER III.

THE PRINCIPAL FORMS OF THE CONSTITUTION.

PARTICIPATION in the exercise of these three political powers admits of different modes of distribution, corresponding to which we get different forms of constitution. These, however, may be reduced to three principal kinds—Monarchy, Oligarchy, and Democracy. By Monarchy is to be understood that constitution in which one individual stands at the head of the State, and unites in himself all the three powers. Not, however, that any individual can possibly undertake their exercise to its full extent; on the contrary, he needs assistants and ministers; he summons councils to deliberate with him, and to order the necessary measures; he appoints officials to provide for the execution of business; he institutes courts of justice to settle disputes and to punish transgressions. But if all these are simply his deputies, if they exercise all their power only as an authority delegated by him, and if they are responsible to him for its administration, then the individual is rightly termed the single ruler of the State. This monarchy or sole sovereignty in the strictest sense of the word[2] did not appear among the Greeks, and was only found in the despotically governed States of the East, and at a later period in the Roman empire. Greek monarchy, both as Homer describes it, and as we know it in history, was subject to numerous limitations. In every State there existed other privileged members by the side of

[1] Arist. *Pol.* iv. 1. 5; cf. ii. 3. 2, 9. 1 and 9. Concerning the frequent union of these two expressions cf. Schömann, notes to Plut. *Cleom.* p. 219.

[2] Aristotle terms it *παμβασιλεία*, iii. 10. 2.

the king, as joint-holders of the chief power, and his monarchy only consisted in the fact that he was the head of this privileged class, and that certain functions were reserved for his exclusive exercise, such as the command of the army in war and the performance of the State sacrifices. Absolute monarchy only occurred occasionally and temporarily, when, amid the party struggles and quarrels within the State, an individual, by force or cunning, and sometimes even with the free consent of the people, secured this position. Examples of such usurpation we shall have to bring forward on a later occasion. Oligarchy was the constitution in which a privileged portion of the community was either exclusively or preponderatingly in possession of the chief power. The name signifies *the rule of the few*, because the number of the privileged class is smaller than that of the less privileged. For the privilege depends either upon nobility of birth, or riches, or both, and as a rule the citizens who are rich and noble are fewer in number than those who are non-noble and poor. Finally, Democracy is the name given to the constitution in which there exists no such privileged class, but where the right of participation in the government resides in all the citizens.

Again, these last two forms of constitution are capable of numerous modifications,[1] so that there exist mixed forms, as to which it may be doubtful to which of the two kinds they should be referred. For example, although the oligarchy or privileged class is in exclusive possession of the supreme magistracies, yet the people may possess the right of selecting the highest officers out of the number of this privileged class, or it may even be allowed a certain participation in the deliberations and discussions concerning public affairs, while the oligarchy reserves to itself only the initiative, the presidency of the deliberative assemblies, and the ratification of the decrees; or finally, the administration of justice may be, partially at least, left to those outside the privileged class. Similarly in democracy, although the right of participation in the government was allowed to all, this was not the case absolutely and without distinction; on the contrary, there were certain grades and classes, some of which were more, others less privileged, although none were entirely excluded, and further, these grades or classes themselves were so arranged that no one should be excluded from the possibility of rising from one into another; or it might be that though every one without distinction of birth or pro-

[1] Cf. on this subject *Pol.* iv. 11 and vi. 1, 2. An oligarchy where a few privileged members exercise an arbitrary authority, and hand down their offices from father to son, is called (in iv. 5. 1 and 8) δυναστεία *par excellence*. Cf. v. 5. 9.

perty might succeed to the highest offices of administration and government, as well as to the judicial appointments, yet provision might be made that these offices should only be actually held by men who had proved themselves capable and worthy of them in the eyes of their fellow-citizens.

From this multiplicity of modifications resulted a multiplicity of political terms, in which, however, there is always something variable and indefinite. To this objection the term aristocracy, or rule of the best, is open, being not unfrequently used to denote the last-mentioned modification of democracy, though it was still oftener applied to oligarchy, because the rich and privileged nobles laid claim to be considered the best and worthiest citizens. Aristotle himself,[1] indeed, allows them this title, but only under the condition that they should actually exercise their privilege for the public good, and not for one-sided class interests,—a condition which, in all probability, was seldom in reality fulfilled. In cases where the privilege was distributed in accordance with certain gradations of property, the term Timocracy was applied; and where more extensive privileges were assigned to large property, that of Plutocracy.[2] The unlimited democracy, on the other hand, where rights were made conditional on no such gradations of property, and where provisions were made, not so much that only a proved and worthy citizen should be elected, as that every one, without distinction, should be eligible for everything, was designated by the name of Ochlocracy,[3] because, in fact, public affairs were put in the hands of the ὄχλος, or mass of the populace. In contrast with this, moderate democracy, which made use of timocratic gradations and wholesome precautions against mob-government, was more frequently designated as πολιτεία *par excellence*.[4] To which of these classes, however, particular constitutions are to be assigned can seldom be

[1] *Pol.* iii. 5. 2, iv. 5. 10; *Ethic. Nic.* viii. 12; cf. Luzac, *de Socrate cive*, pp. 66-74. At the present day the misuse of the name is so prevalent that its true signification is quite forgotten.

[2] Xen. *Mem.* iv. 6. 12. It is self-evident that in this kind of constitution periodical valuations of property, as well as alterations in the fixed amount of property requirement, were necessary, since it might easily happen that, if important increase or diminution of the public prosperity took place, and no such measures were adopted, the relation obtaining in regard to political privileges might receive modifications in direct opposition to the views of the original legislation. Although we are without definite testimony as to particular States, the necessity of the case is recognised by Aristotle, *Pol.* v. 5. 11, and 7. 6; cf. also Plato, *Legg.* vi. p. 754 E, xii. p. 955 E.

[3] The name first occurs in Polybius, vi. 4. 6, 57. 9; ὄχλος being always used in opposition to δῆμος; cf. Thuc. v. 89. 3, 4.

[4] Arist. *Pol.* iv. 7. 1; *Eth.* viii. 12, ix. 10; Wesseling, *ad Diodor.* xviii. 74.

determined with certainty, partly on account of our want of information, partly through the numerous modifications and revolutions in particular States.

CHAPTER IV.

THE CITIZENS AND THE WORKING CLASSES.

It was Aristotle's opinion that only those could be accounted citizens in the full sense of the word who possessed the right of participation in the government.[1] If this definition had been strictly maintained the result would have been that in an absolute monarchy, where such participation was allowed, not so much in consequence of any right, as by means of a commission or command from the absolute ruler, all would have been properly excluded except the ruler himself; while in a strictly exclusive oligarchy, where the majority is completely shut out from all political privileges, all outside the ruling class would have been more appropriately termed subjects than citizens.[2] However, in ordinary language, the idea of a citizen was not always so strictly conceived, and was rather used to describe those members of the community who, although excluded from participation in the government in its deliberative bodies, its supreme magistracies, its general assemblies,[3] or its courts of justice, were yet distinguished from non-citizens by the possession of certain private rights or common religious ceremonies. Foremost among these rights was that of owning land (ἔγκτησις), which, as we remarked above, was usually withheld from non-citizens; and, secondly, an independent position before the law, or, in other words, the right of conducting suits before the law-courts of the country, without needing, as non-citizens did, the intervention of a patron. Another characteristic of citizenship is participation in certain cults, either of a

[1] *Pol.* iii. 1. 4: μετέχειν κρίσεως καὶ ἀρχῆς, where care must be taken not to limit κρίσις to judicial sentences. It signifies general deliberation and decision on public matters.

[2] In this sense Isocrates actually speaks of the oligarchy (*Panegyr.* § 105): τοὺς πολλοὺς ὑπὸ τοῖς ὀλίγοις εἶναι —τοὺς μὲν τυραννεῖν τοὺς δὲ μετοικεῖν, καὶ φύσει πολίτας ὄντας νόμῳ τῆς πολιτείας ἀποστερεῖσθαι.

[3] That there existed in Greece citizens without a vote in the general assemblies, and therefore a *civitas sine suffragio*, is shown, among other things, by an inscription of Amorgos in Ross, *Inscr. fascr.* iii. no. 314, and Rangabé, *Ant. Hell.* ii. p. 343, no. 750, A. 3, where the ἐκκλησία is expressly conferred on a stranger, along with admittance to the πολιτεία.

public character or restricted to members of some corporation, such as the tribe or its subdivisions, in which, not perhaps everywhere, but certainly in many States, the members of the privileged and non-privileged classes were united in common. Finally, they might possess the right of *ἐπιγάμια*, by virtue of which marriages contracted by them had certain legal consequences in relation to inheritance, religious ceremonies, and partly even to political rights, which were not allowed to marriages with non-citizens. Whether, in any of the oligarchical States, marriages between the privileged and non-privileged classes were expressly forbidden by a definite law, our sources of information leave uncertain; but, in point of fact, they undoubtedly occurred very seldom. In mixed constitutions, as in Timocracy, the civic privileges of the different classes, though none of them was entirely excluded from participation in public affairs, nevertheless had different and graduated values; and while active participation in the State was allowed, it was not granted in an equal extent to all. In democracy alone were all citizens complete members of the State, or full citizens in the Aristotelian sense of the word.[1]

A body of citizens, however, in this sense, required a certain substratum of non-citizens, without which it was not capable of properly meeting its peculiar responsibilities. Active participation in public affairs—as, for example, in the assemblies of the people, in the deliberative bodies, in the supreme magistracies, and in the courts of justice—demanded a degree of independence and honest judgment which it was impossible to count upon in men whose whole time and strength was claimed by work which the material needs of daily existence necessitated. Men of this kind could neither obtain the culture which was necessary for the administration of such business, nor had they sufficient leisure to trouble themselves much with public affairs, or even to acquaint themselves with the management of them. There was, on the contrary, some cause for anxiety lest, either from want of culture, or from delusion, or even from mere poverty, they might become accessible to corruption. The Greeks considered that merely mechanical labours degraded the mind, while an activity directed only to the acquisition of gain corrupted the moral sentiments, and implanted self-seeking and desire for personal advantage instead of public spirit and care for the common good.[2] "The best State,"

[1] Arist. i. 1. 6. *τὸν πολίτην ἕτερον ἐν δέχεται μὴν οὐ μὲν ἀναγκαῖον. ἀναγκαῖον εἶναι τὸν καθ' ἑκάστην πολιτείαν· διόπερ ὁ λεχθεὶς ἐν μὲν δημοκρατίᾳ μάλιστ ἐστὶ πολίτης ἐν δὲ ταῖς ἄλλαις*

[2] Xenoph. *Œcon.* c. 4. 2, 3, 6. 5. Agriculture, however, is expressly excepted.

82482

says Aristotle,[1] "will not take its citizens from the *βάναυσοι*," that is, from those who are occupied with vulgar labour. For this reason it appeared desirable that work of this kind should, if not exclusively, at any rate for the most part, be performed by non-citizens; while citizens, on the other hand, should, as far as possible, be raised above it,—a condition which naturally implied a certain degree of prosperity to enable them to employ others to work for them.

In ancient times, moreover, the position of the lower workmen generally implied the absence of personal freedom, since they were either serfs, or, as was usually the case, purchased slaves; and although it is stated that in certain districts, as in Phocis and Locris, where no serfs existed, even slaves were in former generations dispensed with, yet, in the first place, this statement appears to have particular reference only to slaves employed for personal service and attendance; and, in the second place, it is probably only true of early times.[2] At a later period there was hardly a State in which even the poorer citizens were without a slave of either sex.

The necessity for a class of men especially adapted for the lower kinds of labour, and by whose means alone it is possible for others to be exempted from such labour, and occupied with more ennobling pursuits, it is impossible, in view of the present condition of human life, to gainsay; and, as a matter of fact, such a class is invariably found everywhere, even in States from which slavery is absent. It will not be affirmed that this class must necessarily consist of slaves, nor would this arrangement, if judged from a moral point of view, admit of justification; and whoever feels called upon to depreciate heathen antiquity, and to contrast it unfavourably with the modern period which styles itself Christian, will no doubt find in slavery a welcome argument. How great a share of the abolition of slavery in modern times is really due to Christian motives, or in what measure it is to be ascribed to the consideration of other circumstances,[3] is a delicate question, which is usually left

[1] *Pol.* iii. 3. 2, 3.

[2] Polyb. xii. 6, 7, and Athenæ. vi. 86, pp. 264 and 103, p. 272 B. Both refer to Timæus; and although what his statement really is it is impossible clearly to discover, not a word is said by any one concerning the cultivation of the land of the rich by free day-labourers, which Grote has discovered in the passage (*Greek Hist.* vol. ii. p. 39); and the words in Timæus are expressly limited to *ὑπὸ ἀργυρωνήτων διακονεῖσθαι*, a term which is confessedly used with especial reference to personal attendance. The expression of Herod. also (vi. 137) is only with regard to ancient times; cf. also Curtius, *Greek Hist.* (vol. v. p. 62).

[3] For example, to the perception that better and cheaper work can be produced by free labourers than by slaves, since the former, as soon as they are no longer required, may be left to their fate.

untouched, and cannot be answered here any more than the other question as to the amount of actual advantage which the working classes have gained in ceasing to be slaves. Apart from this, the injustice which lies at the root of slavery was by no means unperceived even by the Greeks themselves. They acknowledged that man is not justified in enslaving his equals; but, in defence of the system, they had recourse to the argument that all men were not actually their equals: that there were, on the contrary, men among the barbarians who were as naturally created for slavery as the Greeks themselves for freedom.[1] And, as a matter of fact, by far the greater part of the slaves in Greece were of barbarian origin, and it may be that this justification is no worse than the similar plea which we are accustomed at the present day to hear produced in defence of the negro slavery across the Atlantic, and of the not very much more favourable condition of the lower classes in Ireland nearer home. Aristotle,[2] in comparing the characteristics of Greeks and barbarians, describes the northern populations of Europe as courageous, but deficient in intellectual activity; the Oriental tribes of Asia as endowed with intellectual qualities and inclined to art and reflection, but as wanting in courage; while the Greeks, midway between the two, possessed courage and energy no less than intellectual susceptibility, and for that reason were naturally adapted for freedom, whereas the Asiatics submitted to slavery without resistance, but were capable of a well-regulated State life and of dominion over others,—functions for which the northern races were worthless. To what extent this is true, and how far it might serve to justify slavery, we will not here inquire; but at least Aristotle's estimate of the comparative qualities of barbarians and Greeks can hardly be disputed, nor can we well refuse to allow that a State life *regulated according to his idea* was only possible among the Greeks. That its actual realisation was never attempted even among them; that no State completely corresponded with his ideal; that many, on the contrary, were far indeed removed from it; and that even those which approached it nearest were soon corrupted,—he is himself the first to recognise. It remained true, nevertheless, that a free class of citizens, exempt from oppressive anxiety and fatiguing labour for the necessary needs of life, was the indispensable condition, not only of the ideal State, but of every individual State whatever.

---

[1] Arist. *Pol.* i. 2. 18; Plat. *Republ.* v. p. 469 c. Alcidamas, on the other hand, says, Schol. to Arist. *Rhet.* i. 13, ἐλευθέρους ἀφῆκε πάντας θεός· οὐδένα δοῦλον ἡ φύσις πεποίηκεν (in *O. G.* ed. Bait and Saupp. ii. p. 154).

[2] *Pol.* vii. 6. 1.

CHAPTER V.

THE PUBLIC DISCIPLINE.

It will be our duty on a later occasion to consider in detail, as as far as statements on the subject exist, the institutions which were devised to secure the material conditions indispensable to a suitable class of citizens. At present we shall only make the general observation that a remarkable recognition was shown of the necessity of guarding against the subdivision of property, of maintaining each family in possession of its ancestral estates, of obviating the imprisonment of the citizens, and of avoiding the danger of over-population. Aristotle alludes[1] to a measure proposed in a theoretical treatise by Phaleas of Chalcedon, that on occasion of marriages the rich should provide without receiving dowries, while the poor should receive without providing any. He also refers to Plato's regulation concerning a minimum and maximum of property, the latter of which was not to be more than four times as large as the former, while he himself remarks that the maintenance of property would be promoted, if the number of children were to be fixed, in order that the shares might not become too small in consequence of a large number having to divide them. He even sees no objection[2] to abortion, if it is effected previous to the beginnings of life and sensation; and in at any rate the greater number of States, no legal provision was made against the exposure of children. Even pæderastia, we are told,[3] was tolerated by many legislators as a means against over-population, and the fact that illicit satisfaction of the sensual impulse was everywhere conceded to the male sex is certainly to be explained, not merely by the inferior respect paid to women, and the consequent disregard of the rights of the wife, but also by the fact that a large number of legitimate children was not always considered desirable.

Nor were the ethical conditions which are required side by side with the material for the security and maintenance of a suitable class of citizens by any means left out of account in Greek States. On the contrary, there were in each State many institutions and ordinances which had reference to this end, and which we may include under the general category of public discipline.

---

[1] *Pol.* ii. 4. 1.

[2] *Ibid.* vii. 14. 10. But that all did not so think is shown from Stobæus, *Flor.* tit. 74. 61, and 75. 15. Cf. also *Att. Proc.* p. 310, and Hermann, *Privatalterth.* § 11. 5.

[3] *Pol.* ii. 7. 5.

As regards the instruction of the young, it is true that public education, as modern States conceive it, can hardly be said to have existed in Greece. In no State is it possible to prove with certainty[1] the existence of schools intended for instruction, either in elementary knowledge or in higher scientific culture, and directed by teachers examined or approved by the State authority. On the contrary, there was complete freedom in this respect; the profession of teaching might be undertaken by any one who considered himself adapted for it, and in whom his fellow-citizens placed sufficient confidence to intrust their children to his care. It was assumed as a self-evident proposition that parents would not permit their children to grow up without instruction in the necessary branches of knowledge, and it accordingly appeared superfluous to bind them down to the duty by express ordinances. Not that such provisions, however, were entirely absent, though we have accurate information in regard to particular instances of them only in the case of Athens, and these will be mentioned more fully in the description of that State.

The training of the body was in every city a greater object of public care, and although we find no mention of instructors in gymnastics appointed by the State authority, yet no city was without well-regulated gymnasia, sometimes stately and beautiful buildings, in which the younger were directed by their elders, beginners by those more expert. This training was naturally not left to accident or arbitrary discretion, but was reduced to a definite arrangement, the institution and observance of which was assigned to superintendents appointed for this purpose by the State, and called by the names of Pædonomi, Gymnasiarchæ, Sophonistæ, or Kosmetæ. Further, participation in these exercises was prescribed by law, at least in so far as this, that before entering on the age for military duties, it was necessary to pass through a gymnastic course as a preparation for the military obligations to which each citizen was bound.[2]

It may be that the participation of the State in the management of education will appear at best to have been exceedingly small in comparison with the functions assumed by modern States, and especially in Germany, the classic land of schools; we should however not be justified in finding in this a proof that education was an object of indifference to the Greeks. On the contrary, it rather serves as evidence that they regarded it as an object so highly prized by individuals for its own sake that

[1] For the statement of Diodor. (xii. 12) concerning the laws of Charondas and the public education which they ordained, is apocryphal.

[2] Cf. *e.g.* Pausan. vii. 27. 3.

no compulsion or special provision was necessary to induce parents and children to make use of the opportunities of culture at their disposal. In this connection also we must remember that the numerous class of inhabitants, for whose instruction our States necessarily feel bound to provide most carefully by schools and education laws, were not properly members of the Greek State at all; but, on the contrary, consisted of slaves, for whom a training similar to that of the citizens, or like that which our national schools impart, appeared to be counter to the interests of the State. Gymnastic training indeed was expressly forbidden to slaves by law,[1] and although an elementary knowledge of reading, writing, and similar acquirements, in periods when such skill was indispensable for the daily business of life, was often imparted to slaves whom their masters desired to make more serviceable to themselves, and although many even attained to a still higher culture in music, science, or art, yet the majority were limited to those branches of knowledge and skill which aided the performance of agricultural or mechanical labour, by which alone they were useful to their owners. Their instruction was simply a matter for private economy, and was merely managed in the interest and at the pleasure of their masters, who for a similar reason were also bound to provide for their discipline and good order, and for this purpose were armed by the law with a sufficiently extensive right of compulsion and punishment. What the generally prevailing views were as to the appropriate treatment of slaves we may learn from the Œconomics of Aristotle or Theophrastus, where the following rules are enjoined:—The possession of too many slaves of the same race is to be avoided on account of the greater facilities for conspiracy so obtained; they were neither to be embittered by disdainful or degrading treatment, nor, on the other hand, was dissolute or licentious conduct to be encouraged by too much indulgence; they were neither to be overburdened with excessive labour, nor permitted to spend their time in idleness; and, finally, the labouring class of slaves was to be conciliated with plentiful nourishment, the superior sort by a more respectful treatment. Mention is also made of the numerous feast-days, which, while they served as a recreation and amusement for the slaves, might also, as common holidays, have contributed to the formation of a certain bond of sympathy between them and their masters. Finally, as another means for securing their good behaviour, it remains to notice the prospect of

[1] Cf. Æschin. in *Timarch.* § 138; Plutarch. *Sol.* c. 1, and C. F. Hermann on Becker's *Charikles*, ii. p. 187. Plin. *H. N.* xxxv. 10, says of the art of drawing, "interdictum ne servi docerentur."

emancipation, which, as we know, occurred with sufficient frequency, although not all who were formally emancipated were without further condition received into the ranks of the citizens, as was the case at Rome, since by the admission of such elements a large proletariate would have arisen, a danger against which it was necessarily the chief care of intelligent statesmen to provide.

But apart from this labouring class, which indeed cannot be properly considered so much as a constituent portion of the community as its necessary substratum, the actual members of the State—the citizens—were in no want of opportunities and means either for a suitable gymnastic training, or for the acquisition of the necessary branches of knowledge; nor were facilities wanting even for the higher culture of the mind, although special State-appliances for the purpose were unnecessary. The discussion of the nature and method of the earliest education of the young we shall defer until we have arrived at the Athenian State, to which our information has especial reference, although we may assume in essential points that its features were repeated elsewhere. On this subject we shall here only make the preliminary remark, that throughout Greece music was considered a peculiarly important means of culture, and to it a degree of moral influence was ascribed which might astonish modern musicians and amateurs. It was in accordance with this influence that certain kinds were marked out as most appropriate for the education of the young.[1]

A more extensive training was secured in the period when a scientific impulse had just commenced, by the lectures of the Rhetoricians and Sophists, although these, it is true, on account of the high rate of pay which they usually demanded, could only be enjoyed by the richer classes. Those, however, who had the means frequently used their opportunity with great zeal, and throughout a longer period than the three years in which most young men of the present day accomplish their so-called bread-winning studies, only to be afterwards absorbed in the routine of an often spiritless and mechanical official life, in the midst of which they turn their backs on science for ever. That portion of the Greek youth, on the contrary, who aimed at public activity, learned with eagerness and perseverance, being conscious that in order to enter active life, and to share in the direction of public affairs, careful preparation and maturity of mind were required. It was considered unbecom-

[1] Cf. A. Beger, *die Würde der Musik im griechischen Altherthum;* Dresden, 1839.

ing to meddle in the affairs of the State in immature years, and it was only on rare occasions that well-trained young men were to be seen in the market-place or courts of justice. When, however, the young citizen did enter upon public life, there lay open before him a field for activity, in which he had to show himself a worthy member of a self-governing society, and in which he gained the right or duty of taking active and personal part in the deliberation of public affairs, in the management of State-business, and in the administration of justice. A citizen who thus devoted his strength to the public good, and by obedience to the laws and magistrates fitted himself to become a magistrate on some future day,[1] deserved the recognition and praise of his fellow-citizens. It was not, however, the case that all devoted themselves in this way to public life; there were many who, either from inclination or on account of their peculiar position, confined themselves rather to the management of their own affairs, and took less interest in the affairs of the State, although a complete withdrawal into private life was scarcely possible. The relations amid which they stood, the whole life which moved around them, I had almost said the very air they breathed, of necessity filled them with the continual remembrance that, as individuals, and isolated, they had neither reality nor importance, and were only of consideration as members of the whole to which they belonged, and which, consequently, might make any claim upon them demanded by the general good. More than this: in well-ordered States of aristocratic character, the life of the individual, even if he kept aloof from personal participation in public affairs, was nevertheless observed and overlooked in the interest of the State, by magistrates appointed for the purpose, so that by this means a public discipline was preserved which extended far beyond the sphere of education. Breaches of morality which caused public scandal, and might serve as a bad example to others, as well as every sort of wrong-doing, even where no individual was injured, but only the evil disposition of the doer revealed, were visited with censure and punishment. Now the maintenance of a censorship of morals, such as this, when exercised with discretion and energy, must necessarily have the result of at least securing exterior morality, although in itself it is incapable, as all political measures must be, of creating a truly moral tone of thought where this is wanting.

[1] Nam et qui bene imperat, paruerit aliquando necesse est, et qui modeste paret, videtur qui aliquando imperet dignus esse (Cic. *Legg.* iii. 2. 5), following Arist. *Pol.* vii. 13. 4, and Solon, in Stobæus, *Floril.* tit. 46. 22, p. 308.

The ancients, however, often express the conviction that the State itself, and the social life it promotes, do in fact train man for morality. The State, says Plato, educates man well when it is rightly constituted, badly when it is corrupt itself, and the Pythagorean Xenophilus, when he was asked by a father how he could best educate his son, replied, "By taking him to a well-regulated State."[1] Following this view, we may say that the ancients assigned certain functions to the State, which many of our modern theorists entirely deny to it, and attribute solely to the Church, which, as the higher and divine institution, they oppose or rather make superior to the former, as subordinate and worldly. Such an opposition could never have occurred to the ancient mind, even had there been in their States anything analogous to the modern Church; it would have appeared to them an insult to the dignity of the State. If there was anything among them which can be described as in any sense ecclesiastical, it was their worship and religious institutions; but these were included in the essential idea of the State; they only constituted one portion of it, one member of the organism; and it was in this organism, as a whole, and not in any one peculiar member, that the religious feeling of the Greek discerned a divine institution, capable of training men to a true humanity. The question as to how far the ceremonial worship, and the other institutions included under the idea of religion, may have actually exercised a beneficial influence on morality, can only be touched upon here, while its more careful consideration must be reserved for a future occasion. For the present we will only assert that it is evident and unmistakable that the religion of the Greeks being, both in its origin and true meaning, a religion of nature, contained very many elements which were not only immoral in a negative sense, as not resting upon a moral basis, but which might, and in fact necessarily did, excite and promote positive immorality. It must not, however, on the other hand, be overlooked that there prevailed among all the Greeks a lively belief that man in all his relations is dependent on some higher Beings, whose government, though it cannot always be described as exhibiting a uniform moral elevation, or as corresponding to the idea of divine holiness, yet, on the whole, was equitable and moral, and regulated by wisdom, justice, and benevolence. The gods were anthropomorphic, and for that very reason not all completely divine, but only in different degrees. But true as it may be that their actions were not always guided by truly

[1] Diog. L. viii. 16.

divine or moral motives, yet these were only exceptions to the rule, temporary interruptions of the true relation, and even those whose representations of the gods were least elevated, were themselves no less thoroughly convinced than others that their relation to the world and to humanity rested essentially on a foundation of wisdom, justice, and benevolence, and that no one could participate in their protection continually, and in all circumstances, who did not live before them with reverent mind, acting in accordance with the commands of justice and morality, which they had revealed to the conscience and written in the heart of mankind. There were, however, no public religious doctrines in the State calculated to support and foster such beliefs; and in their place there were only ceremonial usages which, for the most part, did not rest upon moral ideas, and were therefore not well adapted to evoke them. More particular doctrines concerning the gods and divine things might, like all other instruction, be sought by each individual from any sources which he believed could furnish them, and especially from the poets and those whom they recommended to their hearers, or from the other teachers of wisdom. Now although it is certainly undeniable that many of these, as well in their tone of thought as in their teaching, exhibited a truly religious frame of mind, purified belief from dangerous and misleading misrepresentation, and strove to bring it back to the true principle of moral reverence and piety, it is yet sufficiently evident that in contrast with them there were others who worked in the opposite direction; and in the end, not all the exertions of the better and more enlightened minds were able to prevent the final and utter moral decay of the heathen world.

CHAPTER VI.

THE IDEA OF THE STATE AND THE CONFLICTS OF PARTIES.

If religion was little capable of effectually promoting and maintaining truly moral conduct among the citizens, we must also allow that the properly political institutions showed themselves just as little adapted to correspond to the idea of those statesmen, in whose view the State was intended to provide man with the necessary conditions of virtuous conduct, or, in other words, to secure a truly human culture. Plato, indeed, asserted in despair that no lover of wisdom at least could

resolve to meddle with public life, though convinced himself that man is created for the State, and that it is only in the rightly regulated State that he can fulfil his proper destiny. But no existing State appeared to him to correspond in the remotest degree with this aim, and so the lover of wisdom must rather prefer to withdraw from them altogether than to expose himself to their turmoil, with no hope of any desirable result. Whether he was right in this, or whether we should rather censure him, with Niebuhr, as an unpatriotic citizen, may here be left undecided.[1] It is at any rate as true on the one side that the development of the ideal State which he himself constructed was completely impossible under the conditions and relations in which men stand at present, and from which they cannot separate themselves, as it is on the other that his judgment concerning the actually existing constitutions of Greece must be regarded as well founded. But even apart from the fact that membership in the State or the possession of civil rights was everywhere confined to a small proportion of the population,—a limitation which, though necessarily involved in the Greek idea of the State, must in the eyes of our modern admirers of democratic constitutions cause the most democratic State in Greece to seem an unendurable oligarchy—apart, I say, from this, we are able to discover very little development, even within the closely-confined State-corporation, of that which was intended to constitute the peculiar essence and end of the State. On the contrary, we almost always perceive the prevalence of those tendencies which are directed, not so much towards the true advantage of all, as towards the peculiar interests of those in whose hands the chief power for the moment resides. Justice as well as public interest demands that all the members of the State should receive a measure of freedom and a share of rights corresponding to their capabilities and worthiness; and since this measure varies at different times, according to different degrees of culture among the people, the demand must of necessity ensue that the constitution shall receive changes of form to correspond with the progress of the age. But this demand is opposed to the interests of those who, in the existing order of things, possess advantages over their fellow-citizens, and who form an exclusive party which considers as the highest aim not the improvement of the State but the maintenance of the *status quo*. Men are seldom inclined to make concessions to the claims of justice, and while the one party obstinately refuses what the other as urgently demands, there arise internal dissensions, amid which passions once aroused on both sides

[1] Cf. Delbrück, *Vertheidigung Plato's;* Bonn, 1828.

are only too ready to pass the bounds of moderation. Dissensions of this nature are presented by historical Greece in an almost uninterrupted series, and as a consequence a continued change of constitutions, which frequently indeed pass from one extreme into its exact opposite. It is true that these struggles sometimes produced well-regulated constitutions, which as far as possible took into consideration the rights of all; but if these were just for the age and generation for which they were constituted, it followed that another age and generation must succeed for which they would not be just; and therefore even the comparatively ideal State could not always remain in its original condition, and the desire to maintain it for all times was nothing less than resistance to natural development. We may therefore say, that while the Greeks, more or less consciously, did strive after the ideal of a good constitution, and sometimes even made some approach to it, yet this was only for short periods, and by far the greater part of their history is filled with struggles, the chief object of which was rather to satisfy party interest than to attain the true end of the State.

PART II.

The Constitutions of Individual States as described in History.

To the general description of the Greek State I shall now append a collection of historical statements with regard to the constitutions of individual States, all of which, however, as I have already remarked, with the exception of two or three, are but very imperfectly known to us. It is true that the historical period of Greece begins after the migration of the Heraclidæ, or the occupation of the Peloponnese by the Dorians, but historical records only commence to be continuous, or in any sense complete, after the Persian wars, and even then they uniformly have reference only to the principal States, while only brief and incidental mention is made of the rest. Everything anterior to the period of the Persian wars, even in respect to those principal States, is to a great extent veiled in obscurity; and furthermore, the earlier the period the more mythical is the character which it bears. Nevertheless, we are able to gather enough out of all these isolated and occasional statements to be assured that on the whole the course of development in all Greek States was the same, that oligarchy succeeded monarchy, and was followed in its turn, after a transition period of usurped or delegated tyranny, by a democratic constitution, ending at last in ochlocracy and complete anarchy. In the following *résumé* there is no pretence of completeness, since much of that which might have been adduced is for our present knowledge entirely worthless and unimportant; and I cannot but fear that even amid what is adduced there may be much which, in the judgment of my readers, might without detriment have been excluded.

CHAPTER I.

THE MONARCHY.

THAT at the time of the Dorian migration, and in the succeeding century, monarchy was the universal form of government in Greece may be assumed as an historical fact, even if we suppose that what is recorded of individual kings is as untrustworthy as it is incomplete. This is especially true of those who, in consequence of this migration, founded new States in the Peloponnese. In this quarter, in former times, the mythical gens of the Pelopidæ had extended its dominion over a large portion of the peninsula. Not merely the later Argolis, or at least the western strip of this region,[1] but also the whole north coast, including what was afterwards the district of Corinth, Sicyon, Achæa as far as Elis, and for a long time the latter country also, was subject to kings of this gens, and in the south not merely Laconia but also the greater part of Messenia, while only Arcadia, Western Messenia, and Elis were governed by princes of other houses. The Dorian migration put an end to the dominion of the Pelopidæ, and established that of the Heraclidæ in its place. Of the three brothers of this family, Temenos, the eldest, acquired the dominion over Argos, and his descendants continued to be its kings, although with a very restricted power. The last member of this dynasty was Meltas, whose date, however, cannot be fixed with certainty;[2] and after him another family was raised to power,[3] and we find mention of kings, or at least of functionaries who bore the title, in Argos up to the time of the second Persian war.[4] Members of the Temenidæ, starting from Argos, acquired dominion over Epidaurus, Trœzen, Cleonæ, Phlius, and Sicyon,[5] though how long the monarchy may have existed in these districts there is no statement to show. With regard to Corinth, we hear that a leader from the Heraclid gens, by name Aletes, gained the supreme power, and that his descendants remained in possession of the kingdom until the middle of the eighth century, after which time an oligarchy was introduced, and the chief authority was transferred to the collective families of the Heraclid gens, who, however, named themselves Bacchiadæ after Bacchis, one of the earlier kings,

[1] For the remainder, as well as Argos itself, was probably ruled by Diomedes.—*Il.* ii. 559 *seq.*

[2] Pausan. ii. 19. 1, 2.

[3] Plut. *de Alex. M. virt.* ii. 8.

[4] Herodotus (vii. 149). At the time of the Peloponnesian war, however, the office seems to have disappeared. Thuc. v. 27, 29, 37.

[5] Pausan. ii. 28. 3, 19. 1, 30. 9, 16. 5, 12. 6, 13. 1, 6. 4.

the fifth in order after Aletes.[1] Of Laconia and the double monarchy established there special mention will be made. Messenia, a part of which, as was mentioned, had hitherto belonged to Laconia, while the rest, together with the neighbouring Triphylia, formed the kingdom of the Nelidæ, now fell to the Heraclid Cresphontes, the brother of Temenos, and was ruled by kings up to the period in which it was subdued by the Spartans.[2] Elis was occupied by an Ætolian band, which had attached itself to the Dorians, and whose kindred had formerly settled in Elis. Their leader, Oxylus, became king, and after him his son Laïas. Of later kings we have no record, for Iphitus, who must have been at the head of the State in the time of Lycurgus, or in the first half of the ninth century, and who was called the descendant of Oxylus, appears nevertheless not to have been king.[3] On the other hand, in Pisatis, a district generally dependent on Elis, but which sometimes detached itself from it, we find a king named Pantaleon in the middle of the seventh century.[4] Achæa was never conquered by the Dorians; it was here that the conquered Achæans of Laconia and Argolis had for the most part retired, in consequence of which this strip of coast, formerly called Ægialos, was subsequently named after them. Kings of the Pelopid gens bore rule here, the last of whom, Ogyges, is mentioned by name, although nothing is stated about the date at which he lived.[5] Lastly, in Arcadia, which had neither been in early times subjected to the rule of the Pelopidæ nor conquered by the Dorians, we find kings ruling at Tegea, Lycorea, Orchomenus, Cleitor, Stymphalus, Gortyn, and in some other places. They were called descendants of Lycaon, a son of the earth-born Pelasgus, or of Arcus, a son of Zeus and Callisto, and later genealogists have been at the pains of preparing an exhaustive table of descent, which is brought down to Aristocrates, and to the time of the second Messenian war.[6] Aristocrates, however, according to completely trustworthy statements, was king, not of all Arcadia, but of Orchomenus;[7] and it is indeed scarcely credible that at any early period the whole of a country marked by so many natural divisions could have been united under a single rule, although in the table of descent most of the kings appear as lords of all Arcadia, and even the Cata-

[1] Pausan. ii. 4. 3; cf. Diodor. *Fr.* lib. vii. p. 7, Tauchn., and Strab. viii. p. 378.

[2] Pausan. iv. 3. 3 *seq.*

[3] *Id.* v. 4. 2-4. He is however called king in *Phlegon*, p. 207, West.

[4] *Id.* vi. 22. 2. Although in c. 21. 1, the words occur, Παυταλέοντι—τυρανvοῦντι, on which, however, no one who knows the manner of Pausanias will lay much stress.

[5] Pausan. vi. 6. 2; Polyb. ii. 41. 5; Strab. viii. p. 384.

[6] Pausan. viii. 1. 2, 3. 3, 4, 1 *seq.*, and Clinton, *Fast. Hell.* i. p. 90.

[7] Strab. viii. p. 362.

logue of Ships makes mention of only a single king. This much is certain, that nothing further is said of kings in Arcadia subsequently to the Orchomenian Aristocrates,[1] who, together with his son Aristodemus and the whole royal house, was murdered by the people on account of the treachery which he had practised on the allied Messenians in their war against the Spartans.[2]

In central Greece, omitting Attica for the present, we find monarchy first of all in Bœotia, and especially in Thebes, where after the emigration of the earlier dynasty of the Labdacidæ it fell to the descendant of the Homeric Peneleos; but not long afterwards, when king Xanthus had fallen in single combat with Melanthus, the Neleid prince who had fled to Attica, it is said to have been abolished.[3] With regard to other Bœotian towns no statement is at hand, except that the Ascræan poet, Hesiod, speaks of kings in the plural as having existed in his time.[4] Ascra belonged to the district of Thespiæ, and we may therefore assume that in the lifetime of this poet—the date of whom, it is true, is very uncertain—the chiefs of the Thespian State bore this title, although it may probably have never been specially applied to any single individual as supreme lord. In Megara the monarchy is said to have been abolished previous to the migration of the Heraclidæ, and an elective supreme magistracy introduced.[5] Among the Locrians, and in particular among those of Opus, a dynasty of ancient kings derived from Deucalion is mentioned by Pindar,[6] but how long the royal dignity survived there it is impossible to say. In Phocis, or at least at Delphi, we find the title of king at a much later period,[7] though at this time it is certainly only the title of priestly office. It is however some evidence that here also at one time kings had been the heads of the State. As to the other districts of central Greece we are entirely without information. In the northern part, Epirus was continuously governed by kings of the race of the Æacidæ until the death of Deidamia, the daughter of Pyrrhus.[8] Kings and people

[1] For it is scarcely possible to depend on the statement of the pseudo-Plutarchian *Parallel Lives*, c. 32, which mention an Orchomenian king Pisistratus as late as the Peloponnesian war.

[2] Polyb. iv. 37. From Heraclid. in Diog. Laert. i. 94, we may gather that the son Aristodemus was co-ruler with the father, but not that he succeeded him, and that the sister, who was married to Procles, tyrant of Epidaurus, and whose daughter was afterwards wife of Periander of Corinth, was already married before the murder of her father and mother. Against this no chronological objection can be made. In this way the theories proposed by Müller, *Ægin.* p. 64, and Grote (vol. ii. p. 352), with regard to this murder of Aristocrates and his family are disposed of.

[3] Pausan. ix. 5. 8.

[4] *Works and Days*, v. 38, 262.

[5] Pausan. i. 43. 3.

[6] Olymp. ix. 56 (84).

[7] Plutarch, *Quæst. Gr.* c. 12.

[8] Pausan. iv. 35. 3.

mutually pledged themselves by an oath, the former to rule according to the laws, the latter in return to maintain them in the kingdom.[1] The Thessalian towns were ruled by noble families, of whom the Aleuadæ and the Scopadæ were the most considerable, and boasted their origin from Heracles. When Pindar and Herodotus speak of kings and kingly rule among them,[2] it is impossible to infer with any certainty that at that time governors bearing the royal title actually existed in the Thessalian towns, although, on the other hand, this cannot be positively denied. Where a king of the whole of Thessaly is mentioned, we must not suppose an established or hereditary monarchy, but only an extraordinary elective kingship acquiesced in under peculiar circumstances. The earliest election of which we have any account was held in a peculiar manner. A number of lots bearing the names of the candidates proposed were sent to Delphi, and of these the Pythian priestess drew one.[3] It may be that this was an exceptional case, it being found impossible to come to an agreement concerning the election in any other way. In later times we find the name Tagus applied to such an elective magistrate, whether it is that this was the original and proper title, the term *βασιλεύς* being inaccurately used as a synonym for it by the writers mentioned above, or that the Thessalians themselves in later times used the words indiscriminately.

If we turn now to the Greek colonies outside the mother country, there can be no doubt, in the first place, that the settlers in the islands and coasts of Asia Minor, having emigrated at a period when monarchy was still universal in the mother country, were themselves at first ruled by kings. These in the Æolic colonies belonged to the gens of the Penthilidæ, or descendants of Penthilus, the son of Orestes, who is mentioned as the first leader of that emigration. But at quite an early period, which we cannot precisely determine, the monarchy appears to have given way to an oligarchy, which, however, remained in the possession of the same family.[4] Similarly, in the Ionian colonies there existed the royal house of the Nelidæ or Codridæ, members of which at first no doubt bore rule in the towns as hereditary princes. In later times we find them replaced by Prytanes, as, *e.g.* in Miletus,[5] although no statement remains as to the time at which this alteration occurred, and it remains uncertain whether the men who appear in ancient narratives,[6]

[1] Plutarch, *Pyrrh.* c. 5.

[2] Pindar, *Pyth.* x. 4; Herod. vii. 6.

[3] Plutarch, *de frat. am.* c. 21.

[4] Arist. *Pol.* v. 8. 13, with Schneider's *Anmerk.*, and Plehn, *Lesbiac*, p. 46 *seq.*

[5] Arist. *Pol.* v. 4. 5.

[6] *E.g.* in Parthenius, *amat. narr.* c. 14; *Conon. narr.* 44, p. 451, Hoesch.

sometimes indefinitely described by the general expression of governors or rulers, sometimes even as kings, must not really be regarded as Prytanes, to whom these authors have assigned the regal title. It is indeed beyond all doubt that that title was not unfrequently conferred on men who properly bore quite a different one. In Ephesus the title was still in existence in Strabo's time, although it denoted merely a priestly office, which however remained the peculiar property of the ancient royal house.[1] The actual government had been transferred, apparently at a very early period, to an oligarchy composed of all the members of the gens, who called themselves Basilidæ, and whose dominion continued until the first half of the sixth century, when it was broken up.[2] We also find an oligarchy of Basilidæ at Erythræ, probably shortly after the foundation of the town.[3] In Samos, besides the two first kings, the founder and his son, the name of a third appears at a later time, though his exact date cannot be ascertained.[4] The same may be said of Hippocles, the king of Chios, whose history is recounted, but likewise without definite dates.[5] Finally, when the poet Bacchylides, in the middle of the fifth century, speaks of certain kings of the Ionians as contemporary with himself,[6] we must probably understand this expression only of a ruling nobility. In the Dorian colonies[7] we find as late as the middle of the ninth century mention of a king of the Heraclid gens at Ialysus in Rhodes, but in later times Prytanes appear there belonging to the same gens.[8] This was also no doubt the royal family at Halicarnassus, where we unmistakably come across one member of it as king, though at an uncertain date.[9] In the little island of Thera the monarchy still existed at the time when Cyrene was founded from it, *i.e.* in the last half of the seventh century.[10]

On the other hand, in the Italian colonies we can discover scarcely a trace which unmistakably points to constitutional monarchy,[11] a fact which ought to cause the less surprise, since this form of government had already ceased to exist in the

[1] Strab. xiv. p. 633.
[2] Suidas, *s.v.* Πυθαγόρας.
[3] Arist. *Pol.* v. 5. 4. Also, Athenæ. vi. p. 259 ; cf. Strat. xiv. p. 633.
[4] Pausan. vii. 4. 3 ; Herod. iii. 5. 9.
[5] Plutarch, *de mul. virt.* c. 3.
[6] Quoted by Joann. Sicel. in *Walz. Rhet.* vi. 241. Schneidewin, *delect.* p. 449.
[7] Crete is here passed over, because special mention will be made of it hereafter.
[8] Pausan. iv. 24. 1 ; Böckh, *Explic. Pind. Ol.* vii. pp. 165, 169.
[9] Parthenius, *amat. narr.* c. 14.
[10] Herod. iv. 150.
[11] Herodotus mentions a king at Tarentum at the time of Darius Hystaspes (iii. 136). At Rhegium Strabo (vi. p. 257) mentions ἡγεμόνες who were always chosen from the Messenian gens up to the time of the tyrant Anaxilas. Whether they were called kings is uncertain.

mother country at the time when these colonies were founded. The same thing applies to the Siceliots, although among them the usurpers who, at a later time, raised themselves to the chief power, were frequently honoured with the title of kings. On the other hand, in Cyrene, on the Libyan coast, a king was appointed to be the head of the State on its first foundation, and he transmitted the government to his descendants, the last of whom, Arcesilas IV., was a contemporary of Pindar.[1] Finally, the Greek towns in Cyprus were continuously ruled, so far as we know, by kings.

CHAPTER II.

DECLINE OF THE MONARCHY: ITS CAUSES AND CONSEQUENCES.

As to the causes which in the mother country, and in most of the colonies, played an active part in the substitution of a republican constitution for a monarchical form of government, we have practically no detailed accounts at all. The ancient writers only assign one general cause, that the regal power gradually degenerated into a tyranny, and that the kings, relying on their hereditary tenure of power, either indulged in acts of violence or injustice, or gave themselves up to a luxurious or dissolute life, thereby arousing discontent and insurrection, which in the end led to the complete abolition of the monarchy.[2] That this may have been the course of events in many places is indisputable, but it was certainly not so universally. Other causes existed in abundance which could not have permitted a long continuation of the monarchy, even if it had escaped this kind of degeneration. It is a peculiar feature of the Greek character that they unwillingly acquiesced in the conspicuous pre-eminence of individuals, and strove to gain equal rights for all, though of course this tendency was unable to assert itself in all periods, and in all classes of the people at an equally early time, and necessarily grew up most rapidly among those who stood nearest to the kings in birth, influence, and power. If we realise the ancient monarchy, as we have already sketched it from Homer's account, we shall see that the power was divided between the king and the chiefs of

[1] Herod. iv. 153, 161 *seq.*; Heraclid. Pont. no. 4, pp. 10, 14; Schneidew. and Böckh, *Explic. Pind.* p. 266.

[2] Polyb. vi. 4. 8, and 7. 6-9. Cf. Plat. *Legg.* iii. p. 690 D, and Arist. *Pol.* v. 8. 22, 23.

the noble families, who not unfrequently were themselves styled kings. The former was only the first among his peers; his privileges were limited to the summoning of and presidency in the public assemblies and deliberations, to the chief command in war, and to the offering of the national sacrifices in behalf of the community, and in addition the enjoyment of a rich domain. We shall see that the transition from this monarchy to an oligarchy of nobles can only appear as a short and easy step. Just as in Ithaca the State dispensed with its king for many years in succession, so, whenever the royal house died out, and no legal or hereditary successor was at hand, the throne might remain unoccupied without essential injury, and a magistracy in rotation might be introduced, held by those who had previously shared the chief power with the king. When we remember further the frequent migrations of peoples which had taken place in Greece at earlier times, and had only ceased after the Dorian occupation of the Peloponnese, we may derive from this circumstance various reasons for the abolition of the old hereditary monarchy.

In newly-founded States, where all depended on the possibility of the newly-arrived people maintaining themselves against a conquered population in possession of the territory they had acquired, there was far more need for distinguished personal vigour on the part of the kings than was the case in long-established, peaceful, and settled circumstances. Accordingly, whenever a king showed himself to be not actually worthy of his position in point of bravery and personal fitness, the necessary consequence was that it appeared natural to those of his nobles who did possess these qualities to refuse him a continuance of pre-eminence in honour and power. Nor was it possible for divisions and parties to be avoided when, in States of this kind, the behaviour of the kings towards the conquered people was not in agreement with the wishes and interests of the conquerors. Thus in the stories concerning the earliest history of Messenia, certain traces of such divisions are preserved, which resulted in the murder of the king and the flight of his children into foreign lands, although the monarchy itself was in this case not at that time abolished.[1] So in the colonies outside the mother country similar relations must have made their entrance and produced similar results. Finally, it in all probability often occurred that in States where foreigners were not established as conquerors, but welcomed as allies and friends, some leader of these foreign settlers so overshadowed the native

[1] Cf. Pausan. iv. 3. 3; Apollodor. Damasc. in C. Müller, *Fragm. Hist.* ii. 8. 5, 7; Strab. viii. p. 361; Nicol. *Gr.* iii. p. 377.

king by his personal qualities that he succeeded in expelling the latter from the throne and establishing himself in his place, as is said to have been the case with the Neleid Melanthus against the Theseid Thymætes.[1] A usurped monarchy of this kind was naturally less strongly rooted among the people than one depending on inheritance and ancient tradition, and was on that account destined to be limited or set aside at a proportionately earlier period.

If the traditional accounts may be believed, the ancient kingdoms generally included a larger territory than the individual States of a later day, and this division into a multitude of small independent States may be regarded as a consequence of the abolition of monarchy. In ancient times we must imagine, in each large district governed by a king as the common head, a number of walled and fortified towns, one of which was the seat of the king, while the others were occupied by the noble families, the lower classes being scattered in the country, and dwelling in isolated farms or small hamlets. It is these fortified places or towns which Homer describes as πόλεις, and the names of a tolerable number belonging to each country are mentioned in the Catalogue of Ships, although many of these names may have denoted not so much towns as districts.[2] It is probable that only in quite small territories, such, *e.g.*, as the island of Ithaca or Syme, the kingdom of Nireus, was there no more than a single πόλις. The existence of fortifications is implied in the epithets τειχιόεσσα or εὐτείχεος, though we must not be misled by other expressions, such as εὐρυάγυια or εὐρύχορος, into supposing that they were large towns. Even Mycenæ, the permanent abode of king Agamemnon, was no more than a small place.[3] With the disappearance, however, of the common monarchy, the bond of union was dissolved which had formerly joined the whole country and the inhabitants of the different towns situated in it into a political whole. The former royal city ceased to be the common centre for all; they began increasingly to separate from one another, and the country fell into different districts, each with equal rights, and independent of the rest, and each possessing a πόλις as its centre. In this way the word acquired the meaning of an independent town and its district, while the noble families, no longer subordinated to a king, and composed of members who regarded themselves as all equally privileged, carried on an oligarchical government. The tendency, however, to greater concentration and security gradually occasioned in most cases an extension

[1] Not Thymœtes. See Böckh, *Corp. Inscr.* i. pp. 229 and 904.

[2] Cf. Strab. viii. 336.

[3] Thuc. i. 10.

and enlargement of the town. A large portion of the population of the open country settled round the citadel, so that near this, as the *ἀκρόπολις* or upper town,—for there is no doubt that these citadels were, as far as possible, situated on high ground with natural defences,—a lower town grew up, which, for the sake of security, was usually surrounded with walls. The other places situated in the territory of the *πόλις*, whether they were open hamlets or villages, or were surrounded by a ring-wall, which was the case at least with some, were single members of the political body whose heart and centre was the town. In opposition to this they are called *κῶμαι* or *δῆμοι*, and though independent in local matters, were subordinated, in everything which concerned the community, to the central magistrates who held their sittings in the town, and whose duty it was, when any greater deliberative assemblies were to be held, to collect the inhabitants of these districts. This organic connection then between town and country is the reason why even those members of the State who did not inhabit the town (*πόλις*), yet derived from it the name of *πολῖται*, or where the term *ἄστυ* was used instead, that of *ἀστοί*.

This form of political life grew up in different parts of Greece at various times and in different measure. Attica was probably the country into which it made its earliest entrance, and where it was developed to its fullest extent. Here, as early as the monarchical period under the mythical Theseus, the town of Athens is said to have become a common capital, and all the other places mere Demes, and in consequence of this, the political unity of the whole country was not disturbed, even by the disappearance of the monarchy. On the other hand, in Bœotia we find, instead of the two kingdoms which had at an earlier period existed there, viz., those of Thebes and Orchomenus,[1] a number of towns, probably fourteen, forming not one common State, but at best a confederation of States. The Cretans again, in the Catalogue of Ships, are represented as all united into a common State under a single king, whereas, in later times, we find them divided into many independent States. This circumstance, however, is not to be ascribed so much to the abolition of the common monarchy, if that ever really existed there, as to other causes which will be mentioned hereafter. But of Achæa, we hear that in former times the Ionians dwelt there in villages (*κωμηδόν*), while the Achæans subsequently founded

[1] So at least it is represented in the Catalogue of Ships, *Il.* ii. 494-516, where Platæa belongs to the kingdom of Thebes. The story of Œdipus spoke of a king of Platæa at the time of Œdipus.—Pausan. x. 5. 2.

regular towns;[1] a statement which it is evident can only imply that under the Ionians the districts of the country, of which there are said to be twelve,[2] were only connected with the common State, as Comæ, the capital and royal residence being probably Helice,[3] whereas, after the Achæans had taken possession of the country, the earlier Comæ became independent cities. This change was probably connected with the abolition of monarchy, though concerning the time at which this took place, as before remarked, we have no exact knowledge. Nor is our information more definite concerning the manner in which the division of the previously united territory into several States took place in other quarters, although in many regions towns, in the accepted signification of the word, first arose at a much later period, as, *e.g.*, was the case in a large portion of Arcadia. Whenever Comæ are here mentioned they must be regarded not so much as subordinate members of a political body with a capital at its head, as co-ordinate districts with equal independence, and possessing no central point which united them into a coherent organisation, although it is certainly possible that some kind of loose association between several neighbouring Comæ may have existed.[4] As a rule they were all open and unfortified places, and indeed this is stated to have been the point of distinction between the κώμη and the πόλις, though it is impossible to regard it as the only one, or as always present. We must rather assume two kinds of Comæ, first those which are related as subordinate members to a larger state-body possessing a capital or centre; and secondly, those which, though not without some loose connection with one another, yet belong to no proper political union, and rather continue in a state of independence and isolation. We shall hereafter meet with one anomalous instance in the case of Sparta, where five open places situated close to one another, and for that reason called Comæ, are yet so closely connected together as to be described as a single πόλις, in contradistinction to the rest of the country.

[1] Strab. viii. p. 386.

[2] It is not to be assumed that there were no more than twelve districts in Achæa. But there were only twelve larger ones, to which again a number of smaller ones stood in the same relation as they themselves did to the capital, where the seat of the common monarchy was placed.

[3] Pausan. vii. 1 and 7.

[4] Cf. E. Kuhn, *die Griech. Komenverfassung als Moment der Entwickelung des Städtewesens; N. Rhein. Mus.* xv. (1860), pp. 1-38.

CHAPTER III.

OLIGARCHY.

It followed from the nature of the case that after the abolition of monarchy, the State authority at first merely remained in the hands of those who already, under the regal form of government, had been part possessors of it. These were the noble families, several of which no doubt existed in each State, however small its size, and which owed their position of superiority to the rest of the people to their descent from illustrious ancestors, joined to a larger amount of property. The genealogies of these families usually extended back to prehistoric times, and nominated as the first ancestor some hero of divine descent, while their names were derived sometimes from this ancestor himself, sometimes from some other individual among their forefathers who was either conspicuous for his deeds and public services, or for some other reason still fresh in the memory of his descendants. "My family," says Alcibiades to Socrates,[1] "is derived from Eurysaces, who was himself descended from Zeus." The name of the family was Eurysacidæ, because Eurysaces, the son of Aias, was said to have been the first who was naturalised in Attica; otherwise they might also have been called Æacidæ, because their first mortal ancestor was Æacus, the son of Zeus. So the Penthilidæ at Mitylene might also have been called Atridæ, or Pelopidæ, or Tantalidæ, since Atreus, Pelops, and Tantalus were all their ancestors, but they were termed Penthilidæ, because it was Penthilus, the son of Orestes, who had led them across from their earlier home into their new abodes. The Corinthian Bacchiadæ were derived from Heracles, but received their name from Bacchis, a younger ancestor, because he was especially distinguished, and also because the name of Heracles was common to so many families that it could not serve to designate any single one with sufficient distinctness. The case was similar with many other names of old and noble families, of which, if there were any use in doing so, many instances might be given.[2] Suffice it to say that in no part of Greece were such families absent, and the care with which, even in later times, when the privileges of the nobility had long since disappeared, the genealogies were generally continued, may be shown, among other

[1] In Plato, *Alcib.* i. p. 121.

[2] Whoever is interested in the subject will find some in the *Antiquitates juris publici Græcorum*, p. 77, and more in the there quoted *Griech. Alterthumskunde* of Wachsmuth.

things, by an inscription of about the second century B.C., in which a man, to whom certain honours were decreed by the community of Gythium, is described as the thirty-ninth descendant of the Dioscuri, and the forty-first of Heracles.[1] But, even apart from express testimony, it can scarcely be doubted that in early times, and as long as oligarchy continued, the nobility held itself strictly aloof from the lower people by means of withholding the right of connubium.[2] When Aristotle says,[3] that after the disappearance of monarchy the knights or horsemen had first of all stood at the head of the different States, because at that time military strength depended especially upon the cavalry, we must remember that only the rich were capable of serving as horsemen, while in early times wealth was probably only to be found in the hands of the nobility. However, there were no doubt many districts where cavalry could hardly have existed, and where the main strength of the army must have consisted in infantry. But even service on foot, when the soldier was fully equipped and attended by one or more esquires, was, there can be no doubt, confined to the rich, and therefore to the nobility, though not perhaps so exclusively, because it required less considerable means, and because necessity might sometimes compel wealthy individuals outside the nobility to be taken as hoplites—a measure, it is true, which, as soon as it was more extensively employed, could not but endanger the ruling position of the nobility. We even hear that the cavalry was sometimes supplied by members of non-noble families, and these, as a necessary consequence, must subsequently have been admitted into the oligarchy as well.[4] It was however impossible that wealth could always remain the exclusive property of the nobility, and in course of time rich men sprang up among the lower classes, while among the

[1] The inscription has been published by K. Keil (following Lebas): "Two inscriptions from Sparta and Gythion," and the passage relating to it is on p. 26. A Cretan inscription (in Böckh, c. i. ii. p. 421, no. 2563) contains a portion of a genealogy, which begins with a contemporary of the foundation of Hierepytna, and a comic parody of these gentile registers is given by Aristophanes (*Acharn.* v. 47). What the opinion of intelligent men was of the folly of glorying in one's ancestors (πάπποι) may be seen from many of the passages collected by Joannes Stobæus under the title περὶ εὐγενείας.

[2] Cf. Welcker, *Prolegg. ad Theogn.* p. 37. I do not however believe that connubium was forbidden by express legal provision. Theognis, much as he laments the intermarriage of nobles with the lower classes, does not represent it as illegal, and when we hear that on one occasion at Samos the victorious Demos forbade connubium between the two orders (Thuc. viii. 21), we may infer that it had previously been permitted.

[3] *Pol.* iv. 10. 9.

[4] This happened in the Æolian town of Cyme, according to Heraclid. Pont. c. 11, on which subject Schneidewin's commentary, p. 80, should be referred to.

nobility some became poor, and for the sake of acquiring wealth did not disdain to intermarry with the former, a custom which called forth the bitter complaints of Theognis, the Megarian poet, in the second half of the sixth century. In this way out of the exclusive oligarchy of birth there arose unperceived an oligarchy of wealth. Of the various titles by which the privileged class in particular States was usually designated, only that of *εὐπατρίδαι* incontestably points to nobility of family. On the other hand, the term "knights," which was used at Orchomenus in Bœotia, at Magnesia on the Mæander, and in Crete,[1] might include not only noble families, but also persons provided with the equestrian census. With regard too to the Hippobotæ of Eubœa, Strabo states that their rights were dependent on their property qualification, and makes no mention whatever of birth, while Herodotus simply calls them the "solid" [*παχεῖς*] or rich.[2] Elsewhere we find the name of Geomoroi, or in the Doric dialect Gamoroi, as in Samos, and in Syracuse, at the time of the Peloponnesian war and later,[3] but this word simply points to abundant landed property. In many passages also the privileged classes are merely called the rich (*οἱ πλούσιοι*), the well-to-do (*οἱ εὔποροι*), the propertied classes (*οἱ τὰ χρήματα ἔχοντες*), by which it remains uncertain whether landowners or capitalists are intended. If we may trust the opinion of the ancient politicians, which was no doubt founded on experience, the first place was held by landed property, and wise legislators in consequence accorded to this larger political rights than to the possession of capital, though there can be no doubt that, in mercantile States especially, the latter also was quite able to make its influence felt. Finally, such titles as "the best," "the cultivated," "the respectable," and the like,[4] simply point to higher culture, and better and more refined manners, such as from natural causes are rather found among the wealthy than the poorer classes. They in no way describe a class in the possession of actual political privileges, but are employed, even in the democratic States, as party appellations for those who from very intelligible reasons were opposed to the prevailing principle of equality. It is, moreover, self-evident that in the same way the other terms which have been mentioned, having reference to wealth or

[1] Diodor. xv. 79; Arist. *Pol.* iv. 3. 2; Strab. x. p. 481.

[2] Strab. x. 447; Herod. v. 77. The same expression is used by Herodotus of the privileged class in Naxos, Ægina, Megara, and Sicily, v. 30, vi. 91, vii. 156.

[3] Thuc. viii. 21; Plut. *Quæst. Gr.* 57; Herod. vii. 155; Wesseling on Diodor. iv. p. 297, Bip.; Böckh, c. i. ii. p. 317.

[4] *οἱ ἄριστοι, οἱ καλοὶ κἀγαθοί, οἱ χαρίεντες, οἱ ἐπιεικεῖς, οἱ γνώριμοι.*

birth, will of necessity still appear, even where wealth and birth have ceased to involve any privileged political position. On the other hand, the name of "peers," or *οἱ ὅμοιοι*, which it is true only occurs in isolated passages, does appear to designate a privileged class, which, though equal within itself, was distinguished from the inferior or less privileged multitude.[1] Finally, the term "well-born," or "persons of good birth,"[2] by no means invariably implies a class of nobles in contradistinction to the non-noble citizen, but is as frequently applied even in democracies to all those who were genuine citizens by birth, in opposition to half-castes, naturalised citizens, and protected aliens, while distinguishing titles of nobility, such as count, baron, or the like, among modern nations, were unknown,—a circumstance which may certainly have contributed to facilitate the fusion of the different classes. Further than this, the fact is easily explicable that the timocratic principle which arose in opposition to the oligarchy of birth, and which, without regard to descent, associated political rights with the amount of the census, was destined to assert itself with the greatest distinctness, and at the earliest time, in the colonies. This was so in the first place, because here, amid a mixed population, coming together for the most part from different quarters, the privileged position of noble families, depending, as it does, on long established recognition, was far less respected; and, in the second place, because in most of the colonies, commerce, through which they flourished, served as a source of wealth for many individuals outside the class of nobility, who, aided by their wealth, put forward with success claims to a greater political influence as well. In many colonies we find that the descendants of the earliest settlers sought to maintain themselves in the position of a privileged class against later immigrants,—a course which easily gave rise to internal dissensions, and could hardly be carried through successfully for long.[3] We find however something analogous to this even in the mother country, where a difference in political position was grounded on distinctions of race, and before we take into consideration the organisation of the government and administration, we must say something on this subject.

---

[1] Arist. *Pol.* v. 7. 4. The Spartan *ὅμοιοι* will be discussed later.

[2] *οἱ εὐγενεῖς*, *εὖ* or *καλῶς γεγονότες*.

[3] Arist. *Pol.* iv. 3. 8; v. 2. 10, 11.

CHAPTER IV.

TRIBES AND CLASSES AMONG THE PEOPLE.

In all Greek States, without exception, the people was divided into tribes or Phylæ, and those again into the smaller subdivisions of Phratriæ and gentes, and the distribution so made was employed to a greater or less extent for the common organisation of the State. In relation to this point, however, a distinction must be made between two kinds of relationship. In the one case, the population of a country consisted of elements originally distinct, as, *e.g.*, in those parts in which a conquering band had possibly joined itself to an older body of inhabitants and made itself their rulers, or, as in the colonies, where, on the one side, the settlers themselves had come together out of different States, and, on the other, an earlier population, found by them in the country, remained dwelling in it side by side with the settlers. But in the other case the population did not consist of different elements, but belonged, as far at least as could be remembered, to the same autochthonous nationality, which might possibly have admitted some individual strangers who had immigrated from foreign lands, but had fused them with itself in such a way that they formed together only one homogeneous whole, as, *e.g.*, was the case in Attica according to the universal belief of the ancients, a belief which, without sufficient ground, has been contradicted by modern writers. In States with this kind of population distinctions of class were certainly to be found. There were nobles and commonalty, privileged and non-privileged citizens, and in the same way their population was divided into tribes and their smaller parts. But this tribal division, and the distinction of classes and privileges just mentioned, by no means coincided with one another. On the contrary, the different classes are distributed through all the tribes—each tribe containing nobles and commons, and probably the sole distinction was that one class was more numerous in one tribe, another in another. On the other hand, in States with a mixed population not fused into a homogeneous whole, we may expect to find the different tribes in the possession of unequal political privileges, and therefore opposed to one another as distinct orders. We are however in too great want of information concerning the special relations of particular States to be able to offer more than conjectures. Thus, *e.g.*, it may be assumed with the greatest probability, that of the four Phylæ at Sicyon,—of

which three, Hylleis, Dymanes, and Pamphyli, prove themselves to be Doric by their names,—the fourth, Aigialeis, was composed of the earlier inhabitants of the land, and therefore of Achæans. Moreover, when we hear that the tyrant Cleisthenes, who belonged to this fourth Phyle, took particular pains to degrade the other three,[1] it is impossible not to recognise in this fact revenge, on account of the superior position hitherto maintained by these Phylæ. At Argos also, side by side with the three Doric Phylæ, there was a fourth, Hyrnethia or Hyrnathia, which probably consisted of Achæans, and was certainly not possessed of equal rights with the others before Argos became democratic in its government. In the Bœotian Orchomenus we find two Phylæ, Eteocleis and Caphisias, the former named after a mythical king, the other after a river in the country,[2] and nothing is more probable than that the one contained the conquering nation of the Minyæ, the other the subject people of the country. So, too, in Cyzicus, the Milesian colony on the coast of the Propontis, there were two tribes, Boreïs and Oinopes, whose names, meaning ploughmen and wine-growers, point to a peasant class, while the four others—Geleontes, Hopletes, Argadeis, Aigicoreis—include the Ionian immigrants who had made themselves the masters of the country.[3] In other cases, apparently where a state was founded by immigrants and conquerors, the earlier distribution into Phylæ, depending on birth, was given up, and in its place a new one was introduced based on residence corresponding with different quarters of the town and country: in other words, a local division instead of one depending upon race. Of this kind probably we should regard the eight Phylæ of the Corinthians,[4] concerning whose political relations indeed we find no definite statement, though we may conjecture that they embraced equally both the Dorians and the earlier Achæan inhabitants, and that no difference existed in their political position. The foundation, however, of these eight Phylæ is probably to be ascribed to a later period, perhaps to the dominion of the Cypselidæ, and previous to that time we must suppose in Corinth a condition of things similar to that in Argos and Sicyon.[5] The three divisions of the

[1] Herod. v. 68.

[2] Pausan. ix. 34. 5.

[3] *Vide* Böckh, c. i. ii. p. 928 *seq.*; Marquardt, *Cyzicus und sein Gebiet*, p. 52.

[4] Suid. *sub voc.* πάντα ὀκτώ.

[5] According to Suidas, it is true, the eight tribes were instituted by Aletes, the first Heraclid king. Their number furnishes an explanation of the Octadæ, or divisions into eight persons, in the senate, which was constituted after the fall of the Cypselid dynasty.—Nicol. Damasc. in Müller, *Fr. Hist. Gr.* iii. p. 394. Each Phyle was represented in the Octas by one senator; and one Octas had the presidency, as Probuli; what

Malians in Thessaly were probably also of a local character, since the names of two of them at least, the Parali and Trachiniæ, point to their places of habitation, while, as far as we can conjecture, the third, Hiereis, was not derived from any kind of priestly dignity, but from some locality.[1] Further, we find local Phylæ in Elis, and in consequence the diminution of the territory went hand in hand with a diminution in the number of Phylæ.[2] At Samos there were two Phylæ with local appellations —Astypalæa, after the ancient town of that name; and Schesia, after the river Schesius; the name of the third, Aischrionia, is obscure.[3] At Ephesus five Phylæ were founded after the settlers had increased their strength by calling in some Teians and Carinæans. Two of them were composed of these new-comers: of the three others, that of the Ephesians embraced the ancient inhabitants who were found in the land; that of the Euonymæ, the Ionians who came from Attica; while the third, the Bennæans, named after a town called Benna, may have contained the non-Ionian settlers.[4] At Teos we find a Phyle of Geleontes,[5] whom we recognise as Ionian, while the names of other Phylæ are unknown to us. On the other hand, several inscriptions of Teos[6] bear evidence to a division of the people according to burghs or *πύργοι*, *i.e.* no doubt according to districts, each of which was named after a fortified place situated within it, and the appellations of these burghs are derived from the names of persons, sometimes evidently non-Greek, and therefore Carian or Lydian. It is impossible, however, to discover what the relation was in which the burghs or burgh-districts stood to the Phylæ. Equally obscure is the position of the Symmories which appear in two inscriptions, certainly named after some person, as, *e.g.*, the Symmory of Echinus is mentioned, while in other places the gentile form of the name, Echinadæ, occurs. The most probable supposition is that Symmory and gens (*γένος*) were synonymous terms, and that the same persons, after whom the burghs were named, were

their total number was in all is uncertain.

[1] Thuc. iii. 92. The opinion which is doubted in the text is supported by Dr. Arnold in his remarks on this passage. Cf., on the other hand, Steph. Byz. under Ἱρά, and Kriegk, *de Maliensibus* (Frankfort, 1833), p. 12.

[2] Pausan. v. 9. 5.

[3] *Etymol. M. sub voc.* Ἀστυπαλαία, Herod. iii. 26.

[4] Steph. Byz. *sub voc.* Βέννα. With regard to a sixth Phyle, probably added by Lysimachus about the year 295, *vide* C. Curtius, *Hermes*, iv. p. 221. From Egyptian inscriptions of the Roman period we learn that there was a subdivision of the Phylæ called the χιλιαστύς. The same name is found in Samos, where the terms ἑκατοστύς and *γένος* also occur as smaller divisions. See, in addition to Curtius, W. Vischer, *Neues Rhein. Mus.* xxii. p. 313.

[5] Cf. *Inscrip.* ii. p. 670, no. 3078-79.

[6] *Ibid.* no. 3064-66, with Böckh's *Commentary*. Cf. also Grote, *Greek Hist.* vol. iii. p. 14.

also regarded as the ancestors and eponymous heroes of certain gentes. Elsewhere we usually find the gentile Phylæ distributed in subdivisions under the name of Phratriæ, and those, again, divided into gentes, and the gentes into houses or families (*οἶκοι*); while, on the other hand, the subdivisions of the local Phylæ were districts (*δῆμοι*) or village-settlements (*κῶμαι*). We must not, however, overlook the fact that originally, even where there were gentile Phylæ, the members of a tribe did actually dwell together in the same part of the land, and in the same way the members of a Phratria or gens, so that even here a distribution of the land into larger and smaller districts was intimately associated with the division of the people. It follows that the distinction between gentile and local Phylæ consists simply in the different principle of division, which in the former was the actual or supposed connection of race; while in the formation of local Phylæ the place of habitation merely was taken into consideration, irrespective of race. As time went on, however, this principle was no longer strictly adhered to, and an individual, in changing his place of abode from one district to another, was not in consequence necessarily removed from one Phyle into another.

To belong to some Phylæ, and within this to a Phratria or Deme (*i.e.* district), was everywhere an essential symbol and condition of citizenship, and secured, even in those States where, in relation to participation in the government of the State, very unequal degrees of privilege existed, at least some share in mutual rights with regard to private law and to ritual, from which those inhabitants of the land who were not contained in these divisions were excluded. The position of these latter was different in different countries, and variously graduated. Sometimes they were possessed of personal freedom, and only fell short of political liberty in so far as participation in the government of the commonwealth, to which they belonged, was withheld from them. Apart from this, however, they might be united among themselves into large or small communes, and were permitted to manage the affairs of these with a certain amount of independence, although under the superintendence and observation of the central government. In addition to this they were obliged to pay taxes, and to render other kinds of service, of which military duties were the most important. We shall become better acquainted with this class of the population in the Spartan State, where they were called Periœci. In the Argive State the inhabitants of the district of Tiryns, Mycenæ, Orneæ, and others, appear to have stood in a similar position, and were

called sometimes Periœci, sometimes Orneatæ,[1] the latter name, which properly only signified the inhabitants of Orneæ, being in later times employed as the general term for the whole class of men who stood in the same position of dependence upon Argos, a position however which might receive various modifications in the case of different Periœci. Certain it is that Sparta and Argos were not the only States in which there existed a population standing in this kind of relation, although we have no more precise information on the subject. For the name Periœci, which we find very commonly, does not always designate this class, but sometimes also another relation, which we shall have to mention in a later section. At present we may simply remark, as to the Thessalian populations, dependent on the dominant Thessalian peoples, viz., the Perrhæbians, Magnetes, Phthiotian Achæans, Malians, Œtæans, Ænianes, and Dolopes, that their position was in some respects not dissimilar, since they were certainly bound to pay taxes to the Thessalians, and to render other services, while they were excluded from all participation in the administration of the Thessalian commonwealth.[2] The rule of the Thessalians over them, however, was far less firmly established, and was not at all times maintained with equal severity, so that the subject class enjoyed a much greater share of independence than the Spartan Periœci, *e.g.*, making war, on their own account, and forming alliances with foreign States. In addition, however, to these persons deprived of political but not of personal freedom, there was in many States a class of peasants in the condition of serfs, and bound to the soil. The best known example of the kind are the Lacedæmonian Helots, with whom are usually compared the Mnoitæ, Clarotæ, Aphamiotæ in Crete, and the Thessalian Penestæ. To the former we shall return in the proper place. The Penestæ, however, whose name, in my opinion, simply signifies "labourers,"[3] were in those parts of Thessaly which were actually occupied by the Thessalians themselves, and not merely dependent upon them, the descendants of the most ancient subject population chiefly of Perrhæbæan and Magnesian descent. They were also known

[1] Herod. viii. 73; cf. Müller, *Ægin.* p. 48; *Dorians*, i. p. 182, Eng. tr.

[2] Cf. *Antiq. jur. publ. Gr.* p. 401, note 2, and 402, note 5.

[3] According to the Homeric meaning of πένεσθαι=πονεῖν—"les laboureurs." Cf. Ast. on Plat. *Legg.* p. 322, and G. Curtius, *Greek Etymology*, vol. i. p. 337. Whoever prefers the older explanation, "to be poor," may appeal to Dionysius, *A. R.* ii. 9, and to the expression "poor people" ("armer Leute"), in use even at an early period in Germany for the peasants, although all of these were not poor. The most improbable opinion is that πενέσται is equivalent to μενέσται, and signified those who had remained behind in the land.

as Thessaliotæ,[1] a name which was probably intended to signify that on the conquest of the country they had come to terms with the Thessalians, instead of emigrating, as others, and in particular the Æolian Bœotians, had done. The conditions of this agreement were that they were obliged to pay to their conquerors a fixed impost from the land which they cultivated, and to the soil of which they were attached, and also to render military service when summoned; but on the other hand, they were neither to be driven from the country, nor killed by the lords of the land.[2] Each Thessalian lord then had on his property a number of these subject peasants, and the impost which they paid was not so large but that they were able still to retain enough besides for themselves, and many of them, we are assured, were even richer than their lords. Their position therefore cannot be called one of oppression, although the unfree condition in which they lived, and many instances of injurious treatment by their lords, against whom they could scarcely have had protection or assistance, occasionally roused them to revolts, which however were of no service towards procuring their freedom.

In Argos also there existed at one time a similar class of subject peasants, the Gymnesii, probably so called, because they accompanied their lords into the field as light-armed troops (γυμνῆτες). In Sicyon too there was a class called the Corynephori, from being armed with clubs, instead of swords and lances, or Catonakophori, because the dress of these peasants consisted of a coat made with a fold of sheepskin.[3] The Greeks in southern Italy had reduced into this condition of serfdom the earlier inhabitants of the country occupied by them, who were ranked among the Pelasgi. In Syracuse a body of serfs existed under the name of Cillikyrii, an obscure word, possibly of non-Greek origin, since these serfs themselves were beyond doubt composed of the subject Siceli. We learn with regard to them that at one time they made common cause with the lower class of citizens or Demos, and expelled the Geomori, until Gelon of Agrigentum gave his support to the latter, and once more reduced them to subjection, for which service, however, he raised himself to the chief power in Syracuse.[4] In the same way the Byzantians, a Megarian

[1] This is the correct name, and not Θεσσαλοικέται, as it is written in some passages. See Bernhardy on Suid. ii. p. 176, and Dindorf on Harpocrat. p. 245. It is impossible that the Penestæ could have been called the οἰκέται of the Thessalian lords.

[2] Athenæus, vi. p. 264 A, B.

[3] Cf. the copious collection of evidence in Ruhnken on *Timæ*, p. 213 *seq.*

[4] Herod. vii. 155, where, however, the MSS. give Κιλλυρίων or Κυλλυρίων. Cf. Welcker, *Prolegomena to Theogn.* p. xix.

colony, reduced the neighbouring Bithynians to the same condition, and the settlers at Heraclea in the Pontus treated the Mariandyni in a similar manner, who, from the kind of tribute which they rendered to their lords, were also called Dorophori.[1] Lastly, the slaves in Chios, who here bore the name of Therapontes, have been compared with the Helots, though the comparison probably only rests upon the fact that in both places the cultivation of the land was entirely, or almost entirely, practised by slaves, who might sometimes have dwelt together in villages, and paid a certain tribute to their masters in the towns, just as in other parts there existed a class of slave artisans who lived apart from their masters, or altogether in manufactories, and who, after the payment of a certain tax to their masters, retained the remainder of their earnings for their own support. There was, however, an essential difference between these Therapontes and the Helots, inasmuch as the former were bought slaves from barbarian lands, and therefore a relationship between them and their masters depending on long-continued subjection and contract was impossible.[2] It is however quite true that the people of Chios had as good cause to apprehend revolts among their agricultural slaves, as the Spartans had among their Helots, or the Syracusan Geomori among their Cillyrians. This is proved by the story of Iphicrates, who, by threatening to put arms into the hands of their slaves, induced the Chiots to pay him a considerable sum of money, and to conclude an agreement with him on his own terms.[3]

We may here add some mention, by way of appendix, of the Hieroduli, or ministers of the gods, who formed a class of persons bound to certain services, duties, or contributions to the temple of some god, and who sometimes dwelt in the position of serfs on the sacred ground. They appear in considerable numbers, and as an integral part of the population only in Asia, as, *e.g.*, at Comana in Cappadocia, where in Strabo's time there were more than 6000 of them attached to the temple of the goddess Ma, who was named by the Greeks Enyo, and by the Romans Bellona.[4] In Sicily too the Erycinian Aphrodite had numerous ministers, whom Cicero calls Venerii, and classes with the ministers of Mars (Martiales) at Larinum in South Italy.[5] In Greece we may consider the Craugallidæ as Hieroduli of the Delphian Apollo. They belonged apparently to the race of Dryopes,

[1] Athenæ. vi. p. 263 F, and 271 C; Strab. xii. p. 542.

[2] Theopompus, quoted in Athenæus, vi. 88, p. 265.

[3] Polyæn. Strat. iii. 9. 23, p. 243.

[4] Strab. xii. p. 535.

[5] Cic. *pro Cluentio*, 15, 44.

who are said to have been at some former time conquered by Heracles, and dedicated by him to the god. The greater part of them, we are told, were sent at the command of Apollo to the Peloponnese, whilst the Craugallidæ remained behind, and at the time of the first sacred war, *i.e.* towards the end of the sixth century, we find them mentioned along with the Crissæans.[1] Their menial position probably consisted principally in the fact that they were bound to contribute to the temple a fixed share of the produce from the land which they cultivated, and which was the property of the god. It is however certain that the priests must have exercised some other right over them as well. In later times we find many instances of individual men being delivered over to the Delphian god, either as a free gift or article of sale, although no mention is made in these cases of special obligations, which they were bound to fulfil towards him. This was in fact merely a form of emancipation by means of which the emancipated person received the god as his patron.[2] At Corinth too there were numerous Hieroduli attached to Aphrodite, some of whom were women, who lived as Hetæræ, and paid a certain tax from their earnings to the goddess.[3] Besides these instances we find only isolated mention of Hieroduli. It of course needs no proof that all those, whose personal dependence on the god to whom they were presented or sold in reality meant nothing, were nevertheless, in a political point of view, regarded not as free-born citizens, but as freedmen, and therefore could only have belonged as a rule to the class of resident aliens.

CHAPTER V.

THE ORGANISATION OF STATE AUTHORITY.

IT has been already remarked that the civic rights in each State were only enjoyed by those who were included in the association of Phylæ and their subdivisions, and also that there were

[1] Cf. Müller, *Dor.* vol. i. pp. 50 and 286, Eng. tr. Another view regarding the Craugallidæ is brought forward by Soldan in the *Rhein. Mus.* vi. (1839), p. 438 *seq.*, but I cannot discover that it rests on any better basis.

[2] Cf. E. Curtius, *Anecdota Delphica*, and Meier's *Recens.* in the *Allgemeine Literarische Zeitung* (1843, Dec.), p. 612 *seq.*, also Rangabé, *Antiq. Hell.* ii. p. 608 *seq.* Add to this Wescher et Foucart, *Inscrip. recueill. à Delphes*, Paris, 1863; Curtius, *Göttinger Nachrichten*, 1864, No. 8.

[3] Strab. viii. p. 378.

differences in the nature of these rights themselves. Those of them in particular which may be described as the properly political or public rights in opposition to those relating merely to private law or religious privileges were very unequally distributed among the various tribes, as well as within these divisions themselves, and might be either entirely or in a great measure withheld from many of those who were included in them, according as the constitution of the State was of a more or less oligarchical character. If we now consider accurately the organisation of the State authority, keeping in mind the distinction between the three political functions which we laid down above on the authority of Aristotle, we shall find first of all that in every State certain assemblies, more or less numerous, were instituted for the deliberative and determinative power. These were sometimes permanent, sometimes changeable, sometimes associated with exclusive boards invested with an official character, and sometimes open to all privileged citizens in each case of deliberation. Assemblies of a larger size were adapted to a democracy; smaller ones to an oligarchy, in which general assemblies of the citizens were either not held at all, or, if they were held, were invested with extremely limited privileges. The smaller kind of assembly, which in an oligarchy was, if not the only, at least the most important or active organ of the deliberative and determinative power, was usually named the Gerousia, or council of elders, and more rarely the Boule. It must be regarded as a characteristic property of a supreme oligarchical council of this kind, first, that, as the name implies, only men of advanced age were admitted into it; and secondly, that its members retained their seats for life; whereas a deliberative board, whose members change by annual rotation, is more adapted to a democracy.[1] The members of the Gerousia were probably in every case appointed by means of election; at least there is no example of hereditary Gerontes, but eligibility for the office was naturally confined to a small body, as, *e.g.*, in Corinth, where, during the rule of the Bacchiadæ, probably only the members of that gens were eligible, and in other cities only the privileged class at most. In this way was formed the Gerousia of ninety at Elis,[2] and that of sixty at Cnidus, who, from the fact that they were exempt from control and could not be called to account, were called Amnamones.[3] In Epidaurus, moreover, there was a council of Artyni, who were nominated as a smaller committee out of a larger board of 180 members,[4] while in

[1] Arist. *Pol.* vi. 5. 13.
[2] *Ibid.* v. 5. 8.
[3] Plutarch. *Quæst. Gr.* no. 4.
[4] Plut. *ib.* no. 1.

Massilia there was a committee of fifteen elected out of a total number of six hundred so-called Timuchi, among whom no one was admitted who was not of citizen descent through three generations and who had not had children born to him.[1] Mention is also found of a public assembly of six hundred at Elis,[2] of which the ninety members mentioned above may have been a committee, and also in the Pontian Heraclæa, where they were introduced instead of an earlier assembly of smaller numbers.[3] But in other places we find an assembly of a thousand, as at Colophon, Rhegium, Croton, among the Epizephyrian Locrians, at Cumæ and Agrigentum,[4] and the fact that they were composed of the richest citizens, which is expressly testified with regard to some of these, may probably be assumed in all cases. It is also probable that above these great councils there was in each case a smaller college or more select council, which, acting as a pro-Bouleutic board, prepared the matter for discussion in the larger assembly, and transacted certain kinds of current business alone and independently. Of this character are the Probuli and Nomophylaces,[5] who appear in several places, although the latter name was also applied to certain magistrates with more special functions, as we shall see on a later occasion. With regard to the term Synedri,[6] which likewise often occurs, it is impossible to decide whether it is to be considered a democratic or an oligarchical board.

Further, the manner and method in which the members of these larger and smaller councils were elected is nowhere expressly stated, and it is impossible to say whether membership in the Great Council was for life, or limited to a certain period, after the expiration of which other persons, though of course only from the number of the privileged citizens, succeeded to the place. It is only with regard to Agrigentum that we learn that here in the time of Empedocles the assembly of one thousand was appointed for a space of three years. In some States, however, side by side with the great and small councils, there were also general assemblies of the citizens, the power of which however was no doubt extremely limited, and only privileged to accept or reject the measures which the Great Council thought fit to lay before them. A great assembly of this kind we find, *e.g.* at Croton, and possibly the relation of the thousand to this may

---

[1] Strab. iv. 1, p. 179; Cæsar, *Civil.* i. 35. 1.

[2] Thuc. v. 47.

[3] Arist. *Pol.* vi. 5. 2.

[4] Theopompus apud Athenæ. xii. 526 c; Heraclid. Pont. 25; Jamblich. *Vit. Pythag.* § 45; Polyb. xii. 16. 11; Heraclid. Pont. 11; Diog. L. viii. 66.

[5] Arist. *Pol.* iv. 11. 9.

[6] *E.g.* Liv. xlv. 32; *C. Inscrip.* i. p. 730; cf. no. 1543. 13; 1625. 41, 47, 2140 a. 2, 23; Rangabé, n. 689, 28.

explain the fact that the latter body is described by a later author[1] as a Gerousia, which was certainly not its proper name. A similar state of things may have existed in Massalia, where the six hundred Timuchi are called *senatus* by a Latin writer.[2] On the other hand, in many States there was no general assembly at all, and even no Great Council consisting of a definite number, and instead of this certain categories of the citizens were summoned, as, *e.g.*, among the Malians those who had served as Hoplites.[3] Finally, we find in some instances a Gerousia and a Boule existing side by side, the one a life assembly and the other an annually changing council. Thus, at Argos, in the Peloponnesian war, we may consider as a Gerousia the College of Eighty,[4] which is mentioned along with the Boule, though concerning the material relation of these two to one another we have no information. So too in Athens the Council of the Areopagus bears the character of a Gerousia in opposition to the democratic Council of Five Hundred.

The second political function is the administration by Government officials of certain branches of the public business, which, especially in a large and populous State, was both extensive and manifold. The State needs, in the first place, says Aristotle,[5] certain functionaries for the superintendence of trade and commerce, and especially within the market, for which latter officers the usual name was Agoranomi; and further for the inspection of the public buildings and the maintenance of a police supervision over houses and streets, the officials so employed being usually called Astynomi. But a similar superintendence and police supervision is also necessary in the country, and among the magistrates appointed for this purpose were the so-called Agronomi and Hylori, or overseers of field and forest. Then there must be officials for the receipt, custody, and expenditure of the public money, who were called receivers and treasurers (*ἀποδέκται* and *ταμίαι*). Further, functionaries were required by whom documents relating to legal business and judicial decisions might be drawn up, and before whom plaints might be lodged and notifications issued of the commencement of legal processes. These were the so-called Hieromnemones, Epistatæ, Mnemones, and the like. Once more, others were necessary for the exaction of fines from condemned persons, for the execution of the recognised punishments, and for the safe keeping of prisoners. In addition to these, military officials were indispensable to muster the population capable of bearing arms, to arrange them in the various

[1] Jamblichus, *loc. cit.* [2] Valer. Max. ii. 6. [3] Arist. *Pol.* iv. 10. 10.
[4] Thuc. v. 47. [5] Arist. *Pol.* vi. 5. 2 *seq.*

divisions of the army, and, in a word, to superintend the necessary preparations for war. These were called Polemarchi, Strategi, Nauarchi, Hipparchi, and so on. In the next place, there were the officials who received the audit of those who had charge of the public money, and summoned them to render an account of their office; and also the magistrates who had the care of the public worship and its concomitant arrangements. These were sometimes priests, sometimes men who performed those public sacrifices which were not of a sacerdotal character, and who bore the names of Archontes, or Kings, or Prytanes. Finally, however, the most important and influential of all the functionaries of Government were those who summoned the deliberative assemblies and presided over their discussions. In smaller States which possessed fewer officials each office was concerned not with one single department of business, but with several at the same time, while in large States, on the contrary, the officials were numerous, the departments of business minutely subdivided, and there were even several officials for one and the same branch.

In those States however in which peculiar attention was paid to the maintenance of order and morality there were, in addition to the above-mentioned magistrates, many others for the preservation of public discipline, to inspect the behaviour of women, and to superintend at the Gymnasia, sacred games, and the like. It must be remembered, however, that this classification of magistrates and the various departments of their business, which we have given here on the authority of Aristotle, had its exact counterpart in no actual Greek State. There were found, on the contrary, in every case, manifold modifications and combinations of them, although with the exception of the single instance of Athens we are entirely without information about them. We shall no doubt be right in regarding with Aristotle, as the functionaries who possessed the greatest importance in the constitution, those who, as president and directors, were placed at the head of the deliberative and determinative councils and assemblies, especially where along with this position they were also intrusted with some kind of executive power in order to carry the decisions of these bodies into execution. In earlier times when the constitution of all States was of a more or less oligarchical character, this was probably the case universally, though in a later period democratic States considered it a safer course to divide and split up the authority of the magistrates as far as possible. In some oligarchies the supreme deliberative and determinative board itself simply consisted of an assembly of supreme magistrates, who held joint meetings for the forma-

tion of resolutions, which were then carried into execution by each officer in his own department. Of this nature, as far as we can conjecture, was the College of Artyni at Epidaurus, who are termed Bouleutæ or Councillors, and, as we said above, were a smaller board elected out of a larger college, although their other title appears also to point to some supreme magistracy. Again, in Megara we hear of Synarchiæ or Colleges of Magistrates, which as a pro-bouleutic board or smaller council brought their determinations before the Æsymnetæ, the Boule, and the popular assembly.[1] So in Messene, the State restored by Epaminondas, mention is made of Synarchiæ as a deliberative and final college.[2] Just, however, as we are unable to make any more precise statement on the subject, so all our other information with regard to the magistrates in different States is but little adapted to throw any light on the essential questions. Our knowledge is almost limited to a number of names, from which no certain inference can be drawn as to the function and political importance of the officers themselves, since it is certain that in many cases offices of an entirely different character and importance nevertheless bore the same name. Although therefore an enumeration of names, from which by themselves no definite information can be gained, is in reality of little advantage, still some few of them may here be put forward, partly because they occur most frequently, partly because this at least may be asserted with regard to them, that the offices so named were among the most honourable and conspicuous even if they were not united with great political importance.

In the first place, the regal title itself frequently occurs in the period in which the kingly form of government had long since ceased to exist.[3] It had been one of the duties of the ancient kings in every state to perform certain public sacrifices, which were not of a sacerdotal character, and it was feared that the displeasure of the gods might be aroused if these were no longer performed by means of kings. Accordingly they continued to appoint a king for the sake of the kingly sacrifice, and probably intrusted to his charge certain other functions relating to religious matters, and even the superintendence of the public worship and the priesthoods, together with the authority necessary for its exercise, but without any

[1] This is proved by an inscription in Gerhard's *Archäol. Zeit.* (*Denkm. und Forsch.*) 1853, p. 582.

[2] Polyb. iv. 4. 2. Synarchiæ are also occasionally mentioned by authors and in inscriptions. Cf. Böckh, *Corp. Inscrip.* i. p. 610, iii. p. 93.; Vischer, *Epigr. und archäol. Beitr.* p. 14; Rangabé, *Ant. Hell.* no. 704. p. 299.

[3] Some examples are given above, p. 118.

further political power. By far the greater number of the kings who appear in later times must be regarded as religious officials of this nature. How much or how little importance of other kinds they may have had can never be ascertained from the mere title in the absence of all other testimony, not even in cases where, as at Megara, the year received its name from them,[1] a custom which evidently points to a yearly rotation of the office.

A second and very frequently occurring title is that of Prytanis, which is no doubt connected with *πρό* and *πρῶτος*,[2] and signified prince or supreme ruler, as, *e.g.*, even Hiero, the king or tyrant of Syracuse, is addressed by Pindar as Prytanis.[3] At Corinth, after the abolition of the monarchy, a Prytanis, taken from the ancient house of the Bacchiadæ, was annually appointed as supreme magistrate, and this continued till the overthrow of this oligarchy by Cypselus. The same title was borne by the supreme magistrate in the Corinthian colony of Corcyra, where, however, at a later time, when the constitution had become democratic, we find no longer a single ruler, but a college composed of four or five Prytanes, of whom one, as Eponymus, served to give his name to the year.[4] In Rhodes we find in the time of Polybius a Prytany lasting for six months, which may possibly point to the fact that two annual Prytanes were elected, and that each in turn presided for half the year. In early times it is probable that only one Prytanis was appointed every year, out of the Heracleid gens of the Eratidæ.[5] The same title is also found in the Dorian islands of Cos and Astypalæa, and with equal frequency also in the Æolian colonies, as, *e.g.*, at Mytilene, where one Prytanis, and, in the same passage, "kings" in the plural, appears in an account which has reference to the time of Pittacus, though on the exact truth of this it would be unsafe to build.[6] In later times, during the period of Alexander, and under the Roman dominion, the Prytanis appears as the magistrate who gives his name to the year. In the same way there is evidence of Prytanes at Eresus, concerning whom there existed a special treatise of Phanias the Eresian, one of the pupils of Aristotle. At Tenedos

[1] *E.g.* at Megara, in inscriptions of the fourth or third centuries, *Corp. Inscrip.* no. 1052, 1057; at Chalcedon, *ib.* no. 3794; in Samothrace, *ib.* no. 2157-2159. Here, moreover, the king was actually the supreme magistrate, according to Livy, xlv. 5, 6.

[2] The kindred form *πρύτανις* is also found in Lesbian inscriptions: *vide* Franzius, *Elementa Epigraphices Græcæ*, pp. 199, 200.

[3] Pind. *Pyth.* ii. 56.

[4] Cf. C. Müller, *de Corcyr. republ.* pp. 31 and 45 *seq.*

[5] Müller, *Dor.* vol. ii. p. 152, Eng. tr.

[6] Theophrast., Joannes Stobæus, *Flor.* tit. 44, 22, p. 201, Gaisf.

we hear of the same title from Pindar, and evidence is afforded by an inscription, belonging to the Roman period, of the office of Prytanis having existed at Pergamus, where it gave the name to the year, was derived from the monarchy, and was restricted to one particular gens. In the Roman era we likewise find Prytanes in the Ionian towns, as, *e.g.*, in Ephesus, Phocæa, Teos, Smyrna, Miletus; and, with regard to those in the latter city, Aristotle states[1] that in ancient times they had possessed a very extensive power, which might easily have paved the way to a tyranny. In the Roman period there existed here a college of six Prytanes, with an Archprytanis at their head, and the same title is given to the president of the confederation of Ionian cities.[2] In Athens, the parent State of the Ionians, there were at one time Prytanes of the Naucraries, or presidents of the administrative districts into which the land was divided. The same name, however, was also applied to the divisions of the Council of Five Hundred, which held the presidency in rotation, and who therefore were not single functionaries. The same divisions were also found in other Ionian States.[3] In every case, however, where the Prytanes were magistrates they doubtless had also to attend to the sacrificial functions of the earlier monarchy, in cases where there was not still surviving a special magistrate with the regal title to serve this end, as may have been the case in Delphi, where we find a sacerdotal king still remaining in Plutarch's time; while a Prytanis is mentioned as the eponymous magistrate of the year in the time of Philip of Macedon.[4]

Other titles of rarer occurrence, applied to the supreme magistrates, are Cosmos, or Cosmios, and Tagos (signifying Arranger and Commander), the former of which we find in Crete, the latter in the Thessalian cities.[5] With the former we may compare the title of Cosmopolis, which was in use among the Epizephyrian Locrians.[6] A more frequent title is that of Demiurgi, a name which seems to imply a constitution no longer oligarchical, but which bestowed certain rights on the Demos. In the time of the Peloponnesian war magistrates of this kind existed in Elis and in the Arcadian Mantinæa, and

---

[1] *Pol.* v. 4. 5.

[2] The passages from the inscriptions relating to the particular states have been collected by Westermann in Pauly, *Real-Encyklop.* vi. 1. p. 166; cf. Tittmann, *Griechische Staatsverfassung*, p. 483 *seq.*, and Franzius, *Elementa Epigraphices*, p. 322 *seq.*

[3] Cf. *Corp. Inscript.* ii. no. 2264, and Ross, *Inscrip.* ii. pp. 12 and 28.

[4] Pausan. x. 2. 2.

[5] Cf. *C. Inscr.* i. no. 1770; Leake, *Itinerary of Greece*, vol. iii. p. 169, iv. p. 216; Heuzey, *le mont Olympe*, p. 467; *Inscr.* no. 4, v. 10, 18, 26, 32, and no. 18. 1.

[6] Polyb. xii. 16.

they it was who, in the name of their States, swore to the agreement which these entered into at that time with Athens and Argos,[1] from which we may infer that they were magistrates of some importance. There is still extant a letter of Philip of Macedon,[2] of doubtful authenticity it is true, addressed to the Demiurgi of the confederated Peloponnesian States, and the title is declared by Grammarians to have been commonly used among the Dorians. So we find documentary evidence of its existence at Hermione in Argolis,[3] and may fairly conjecture that it was used in Corinth from the fact that from this city an Epidemiurgus was despatched, probably as supreme magistrate, to the Corinthian colony of Potidæa. The title existed also at Ægium in Achæa, and certainly also in the other Achæan cities, since it is probable that the constitution in all of them was nearly of the same character; and in later times we meet with a board of Demiurgi as an important authority in the League. Finally, they appear also in Thessaly—in what towns it is uncertain[4]—and also in Petilia in Southern Italy, which was a colony sent out from Thessaly, and in which an ancient inscription speaks of a Damiurgus as giving his name to the year. A similar title is that of Demuchus, which the supreme magistrates of Thespiæ in Bœotia seem to have borne, who were appointed out of certain families of supposed Heracleid descent.[5] The Artyni at Epidaurus and Argos we have already mentioned. We are justified in considering them as magistrates from the circumstance that in the above-mentioned treaty in the Peloponnesian war, which all the other States concerned ratified by means of certain magistrates, along with the deliberative councils, on the side of the Argives the only ratifying parties mentioned along with the Boule and the Eighty were the Artyni. The name itself, moreover, signifying "arranger," points to the same conclusion.

Ephors are found not only in Sparta, where we shall have to consider them on a later occasion, but also in many other towns, especially those belonging to Dorian peoples.[6] The name signifies generally "overseers," and may therefore be used of magistrates who carried out a superintendence over the market, as the grammarians state, and so of a board of officials similar to the Agoranomi, and also of those magistrates who exercised an oversight over the whole State. A similar board of supervision is mentioned also in the Bœotian Orchomenus

[1] Thuc. v. 47.

[2] Demosth. *pr. Coron.* § 157.

[3] Cf. Böckh, c. i. 1, p. 11.

[4] At Larissa, according to Arist. *Pol.* iii. 1. 9.

[5] Diodor. iv. 29.

[6] Müller, *Dor.* vol. ii. p. 115.

under the name of Catoptæ, whose functions apparently had special reference to the administration of finance.[1] In Corcyra the Nomophylaces are apparently the magistrates similar to the Euthyni and Logistæ in other States, before whom accounts had to be rendered by those who had handled the public money.[2] Elsewhere this name describes a board, the function of which was to superintend the observance of all legal enactments, and especially in the deliberative assemblies, and on this account probably the matters to be discussed were previously submitted to their examination, as was the case with the Probuli, with whom they are classed by Aristotle.[3] We sometimes find a similar name, Thesmophylaces, which was applied to the magistrates of Elis who, in the document relating to the above-mentioned treaty, were employed along with the Demiurgi to swear to its ratification. At Larissa, in Thessaly, Aristotle mentions certain magistrates called Politophylakes, who, in spite of the otherwise oligarchical constitution, were chosen by the body of the people, and on that account inclined towards demagogy.[4] The Timuchi we have already met with in Massalia, as a great council or definite number of privileged citizens, though in other States the same name seems to have been applied to certain supreme magistrates, as *e.g.* at Teos, and, according to a certain grammarian, also in Arcadia.[5] Of more frequent occurrence than most of the last-mentioned offices, is the name of Theori, which, in addition to its familiar signification of spectators at the theatre and public ambassadors to foreign sanctuaries and festivals, was specially applied to certain public magistrates, whose function it was to superintend and take charge of religious affairs in general, though they often possessed along with this some more extensive political power, whence Aristotle asserts that in former times, when this office was bestowed for a longer period, it often paved for its holders the way to tyranny.[6] We find it first of all in Mantinea, in the same treaty from which we gained our information concerning the Demiurgi in the same city. In Ægina, moreover, there were Theori, or Theari in the Doric dialect, who are termed Archons, and therefore certainly must have possessed something more than religious functions. Their place of meeting, the Thearion, was within the precincts of the temple of the Pythian Apollo,

[1] *Corp. Inscr.* i. no. 1569.
[2] *Il.* ii. no. 1845, i. 104.
[3] *Polit.* iv. 11. 9.
[4] *Polit.* v. 5. 5.
[5] *Corp. Inscr.* ii. no. 3044; Suid. *sub voc.* Ἐπίκουρος.
[6] Arist. *Pol.* v. 8. 3.

where they took their meals in common.[1] At Naupactus[2] we find them named in inscriptions as the eponymous magistrates of the year, just as the Hieronæmones were at Byzantium, magistrates whose name unmistakably points to some religious functions.[3] Whether it ever happened that the administration of other kinds of business was united with their sacerdotal functions we are not able to decide, though from the above cited Aristotelian enumeration of the different kinds of officials, we must infer that this was the case. Another office of a sacerdotal character was that of Stephanephorus, which was once held by Themistocles at Magnesia in Sipylus, and in consequence of which he prepared sacrifices and festivals to the honour of Athene.[4] Many of the inscriptions of the Ionian cities belonging to a later period mention a Stephanephorus as giving his name to the year, and it even appears that women might hold this office as well as that of Prytanis.[5] Finally, it may be mentioned that not unfrequently the military commanders, such as Strategi and Polemarchs, appear also as supreme magistrates in the civil administration, and are mentioned in the public documents as Eponymi of the year. I may probably assume as generally known, the fact that Archon is used as a common term for all functionaries, though it was often specially applied to the supreme magistrate.

The duration of an office was usually limited to a year, at any rate after the disappearance of the old oligarchy of birth. It was however sometimes the case, even in earlier times, that the magistrates appointed by the people retained their power for a longer period,[6] whereas in other cases, even in oligarchical States, its duration was limited to a shorter time, as, *e.g.* to six months, in order to facilitate the tenure of office by all privileged citizens in their turn. It is obvious that the same motive would give rise to similar measures in democracies.[7] In ancient times, supreme magistrates were not unfrequently appointed for life, and in such cases they appear as a transformation of the earlier monarchy into a limited and responsible magistracy. Even in later times particular instances of this occur here and there,—*e.g.* according to Aristotle[8] among the Opuntian Locrians and at Epidamnus. In oligarchies of

[1] Müller, *Æginet.* p. 134 *seq.*

[2] *Corp. Inscr.* i. no. 1758; ii. no. 2351.

[3] Psephisma, of the Byzantines, in Demosthenes *de Corona*, § 90; Poly. v. iv. 52. 4.

[4] Athenæ. xi. p. 533 D.

[5] *Corp. Inscr.* ii. no. 2714, 2771, 2826, 2829, 2835 *et passim.*

[6] Arist. *Pol.* v. 8. 3.

[7] *Id. ib.* iv. 12. 1, cf. v. 7. 4. Other instances are in *Corp. Inscr.* i. no. 202-206; *Ussing. Inscr.* no. 4, 8, 10; *Ross. Inscr.* ii. p. 12.

[8] *Pol.* iii. p. 11. 1.

course only the members of the privileged class were eligible, and sometimes only particular gentes, as at Corinth under the rule of the Bacchiadæ. There were some oligarchies in which these positions were hereditary, so that after the death of the father, his place was taken by his son.[1] In Timocracy eligibility was made dependent on the property qualification. In all cases, however, there can be no doubt that a certain maturity of age was demanded, thirty years being probably the lowest limit, while at Chalcis in Eubœa this was raised to fifty.[2] The right of election was not in all cases exercised only by the class of citizens who were themselves eligible, but by others as well, as, *e.g.* by all who had served as Hoplites, even if they were without the qualification necessary for eligibility. In other cases a number of electors was appointed out of the general body of the citizens according to some fixed order of rotation, or, finally, the right of election might be vested in the general assembly of the people.[3] In many States, however, and, as is expressly attested,[4] even in oligarchies, the lot was employed in preference to election. It was thought that this was the best method of preventing the rivalry and emulation caused by election, and the lot, moreover, was regarded as a kind of divine decision.[5] It is even not improbable that in ancient times this method of appointment was the one most preferred, a tendency which would be all the more pronounced in oligarchies, because where the body of privileged members was small, every individual laid claim to be considered equally capable.

In consequence of the universal responsibility of the magistrates there were of necessity in each State certain authorities before which they were obliged to render their accounts, and which, if they were peculiarly appointed for this end, were usually named Logistæ, Euthuni, or Exetastæ. In addition, however, the magistrates were also summoned to give account of their office before the State council,[6] and in democracies before the popular assembly, or the popular courts. The tenure of several offices simultaneously, or of the same office several times in succession without an interval, was certainly interdicted in every State, and both in democracies and oli-

[1] Arist. *Pol.* iv. 5. 1.
[2] Heraclid. *Pont.* c. 31.
[3] Arist. *Pol.* vi. 2. 2, and v. 5. 5.
[4] Anax. *Rhetor. ad Alex.* c. 2, p. 14.
[5] Cf. Proverbs of Solomon, xvi. 33: "The lot is cast into the lap, but the whole disposing thereof is of the Lord;" Plat. *Legg.* v. p. 741, ὁ γελμας κλῆρον ἂν θεὸς.
[6] At Cyme the council sat in judgment upon the kings in a night-meeting, and the kings themselves were guarded until after the decision by the Phylaktes, or overseer of the prison.—Plut. *Quæst. Græc.* no. 2.

garchies was only a rare and exceptional occurrence. Whether in the older oligarchies, the revenues of the monarchy, particulars of which we have partly discovered in Homer, and shall meet again in Sparta, passed either in whole or part to the magistrates who succeeded to the position of the kings, we are unable to say. So far as our knowledge extends, the offices of government were unpaid. The honours and influence which they insured were a sufficient guarantee that candidates would never be wanting, and the more important the power which was vested in an office the more it became an object of ambition. Aristotle recommended[1] that certain public services, involving heavy expense, should be attached to the most influential of the public offices, which were to remain in the hands of the privileged class, in order that ordinary citizens might be content to have nothing to do with them, and that those who held the offices might not be exposed to envy, since they would pay a high price for their power. He adds, however, that in the oligarchies of his own day the holders of power were quite as eager to enrich themselves as to gain honours. Nor were complaints wanting, even in democracies, that the offices were as far as possible made lucrative to the holders,[2] and even where they were unpaid, other means and opportunities were at hand for extracting gain from them. Only the inferior officials and servants received pay, and these in many places were usually taken from the class of slaves. On the other hand, we find it often stated that the magistrates were boarded at the public expense, special tables being provided for the different official bodies, or all taking their meals together.[3] On this account the assistants whom the magistrates were privileged to select to relieve them in their business are in many places termed their parasites or table-companions.[4]

In conclusion, we have still to consider the third political function, viz., the administration of justice. In oligarchies it was usually the case that only the civil jurisdiction or the administration of justice in private suits was exercised by the magistrates,[5] and we also find that the courts were held, not only in the city, but also in the country in the particular cantons, as in Elis, where in many country families two or three generations passed without any single member of them entering the city, because justice was administered to them on

[1] *Pol.* vi. 4. 6.

[2] Cf. Isocr. *Areop.* c. 9, § 24, 25.

[3] *Vide* Plutarch, *Cim.* c. 1; Schol. *ib.* ix. 70; Xenoph. *Hell.* v. 4. 4; Cornel. Nep. *Pelopid.* c. 2. 2. The case of Athens will be discussed hereafter. In general, cf. Arist. *Pol.* vi. 1. 9.

[4] Athenæ. vi. p. 234.

[5] Thus, *e.g.* in Sparta (Arist. *Pol.* iii. 1. 7), and before Solon's time also in Athens.

the spot.[1] The criminal jurisdiction over crimes punishable with severe penalties, such as death, banishment, confiscation of goods, or heavy fines, was probably in no oligarchical State exercised by the particular magistrates, but only by the same body which formed the highest deliberative and deciding authority.[2] In particular, however, the jurisdiction in murder and similar crimes, which, as sins against the gods, were treated from a religious point of view, was in most States vested either in these same bodies, or in certain peculiar courts specially appointed for the purpose. Numerous jury-courts we should expect to find only in those States in which a democratic element had already asserted itself, and where in consequence the privileged order had been constrained to make at least this concession to the people. Aristotle puts forward[3] as one of the circumstances which were calculated to promote the fall of an oligarchy, the discontinuance of the exclusive jurisdiction of the privileged classes, since occasion was thus given to individuals, by means of demagogy and the extension of the popular rights, to win the favour of the courts. The courts concerned with magistrates for offences committed in their office were in oligarchies only put exclusively into the hands of boards formed out of the privileged classes. In cases, however, where it was no longer possible to withhold all participation in the State authority from the people, it appeared before all things essential that not only the election of its chief magistrates, but also the right of sitting in judgment upon their conduct in office, should be conceded to it. For, as Aristotle remarks in his *Politics*,[4] when once the people is deprived of these powers, it becomes either the slave or the enemy of its magistrates. We may, finally, mention in this place a measure which appears in many States for the decision of disputes between citizens, and in accordance with which arbitrators were called in from some foreign State, from whom impartial justice was expected.[5] This, however, probably happened in States in which the citizens were split up into factions, a state of things which it is true was by no means uncommon in Greece.[6]

---

[1] Polyb. iv. 73. 7, 8.
[2] Arist. *Pol.* iv. 12. 1.
[3] *Ib.* v. 5. 5.
[4] *Ib.* ii. 9. 4.
[5] Cf. Meier, *Schiedsrichter*, p. 31.
[6] The Italian States in the middle ages called in foreigners as arbitrators "per levar via le cagioni delle inimicizie, che dai giudici nascono" (Macchiavelli, *Stor. Fior.* iii. c. 5), and this custom was regularly observed for a considerable time. Cf. also Congreve on Arist. *Pol.* p. 361.

CHAPTER VI.

INSTITUTIONS FOR THE MAINTENANCE OF THE EXISTING ORDER.

In every form of constitution care was required both to secure the continued existence of the State in internal matters, and also to guard against or to put down all disturbances of the order of things on which it rested. But above all, an oligarchy must necessarily have felt itself called upon to assure its privileged position by a continual maintenance, not only of a material but of a moral supremacy over the people under its rule. The legislative systems of Crete and Sparta aimed at this object in their own manner by the cultivation of all those manly qualities which might cause the members of the ruling order to appear in the eyes of their subjects as the best adapted for and most capable of the exercise of political power. They accordingly subjected both the education of the young and the whole life of the adult population to rigorous ordinances and regulations. With regard to the ancient oligarchies we have no information, but in reference to those of later times Aristotle states that an appropriate system of education and discipline was usually most foolishly neglected. The sons of the privileged few were allowed to grow up in indolence and effeminacy, while those of the poor were rendered hardy and strong by bodily exercises and labour, the natural consequence of which was that they soon acquired both the will and the courage to throw off the yoke.[1] The education of the young accordingly was rather committed to the discretion of the parents than regulated by State control, and it necessarily became more lax and imperfect as the morals of the older citizens deteriorated. In many, and indeed in most States, even of a democratic character, there existed certain authorities to whose charge was committed the maintenance of a certain censorship of morals over both young and old, under the title of Paidonomi and Gynæconomi, but the fact that the privileged classes were easily able to set themselves above the restrictions which these might have imposed upon them, is clearly implied in the statement of Aristotle, that the titles of these magistrates belonged rather to an aristocracy than to an oligarchy or democracy,[2] or in other words, that they were only effectual in those States in which neither a privileged minority on one hand, nor the masses of the

[1] Arist. *Pol.* v. 7. 2, 21.

[2] *Ib.* iv. 12. 9.

citizens on the other, were indiscriminately in possession of the chief power, but in which virtue and previous services were considered. In this sense an aristocracy, which was exclusively bound up with no particular form of constitution, could only be permanent in those States where on the whole good morals prevailed, and as a matter of fact, so far as our knowledge extends, its existence was both rare and short-lived. For what was termed aristocracy was usually mere oligarchy, and was rarely in reality deserving of the other name. In democracy, however, the maintenance of this kind of censorship over morals, even when the necessary laws and magistrates were present, must have been a matter of even greater difficulty than in an oligarchy, because all such restrictions upon freedom seemed to run counter to the essence of democracy. Certain it is that if the principle, which was with few exceptions universally recognised, that the magistrates could not proceed against transgressions by virtue of his office, but only on definite information and complaint, was also in force with regard to police enactments—and we have no reason to assume the contrary—the necessary consequence must have been, that transgressions usually remained unnoticed, and were only brought to punishment in extraordinary cases and on special occasions. Finally, moreover, all that we hear of legal ordinances of this sort only has reference to external morality, as, *e.g.* to luxury in apparel, or the furniture of houses, and the expenditure at banquets, funeral feasts, and the like, or again to the behaviour of women on occasions when they appeared in public away from home,[1] and although the title of Gynæconomi must by no means be allowed to mislead us into the belief that their supervision was not extended to men, yet it is quite clear that not all the magistrates and laws of this nature could effect more than at best some exterior discipline, and that as soon as the inner discipline and conduct of life were lost, the former must necessarily soon have become ineffective.

On the other hand, oligarchy was obliged at all costs never to omit those precautions which might secure its material

[1] As an example of laws for the regulation of morality we may adduce the report as to Syracuse given by Phylacolus, in Athenæ. xii. p. 521 B. The women were to wear no golden ornaments and no variegated or purple raiment, unless they professed themselves members of the class of courtesans. The men were not to adorn themselves, nor to put on any choice or uncommon garments, unless they wished to be regarded as adulterers and rakes. No free woman might be seen in the streets after sunset, or she would be regarded as an adulteress, while even by day she was not allowed to be out without the permission of the Gynæconomi, and then only attended by a servant.

supremacy in so far as this depended on the larger amount of secured property, with its consequent advantage of independence, reputation, and influence on the poorer citizens. Among these precautions were the laws which forbade the alienation or division of the landed estates, in order that by this means the families of the proprietors might be preserved from impoverishment, an object which in more modern times is usually attained by the institution of entails and bequests in trust. Thus we hear that at Elis landed estates might only be burdened with debt up to a certain proportion of their value,[1] while at Corinth, Pheidon, one of the most ancient legislators, attempted to effect that not only the estates should remain undiminished, but also that the number of citizens should not increase,[2] because when numerous heirs were obliged to divide among them the proceeds of a single estate the individual shares were reduced to insignificance. With the same end in view special laws with regard to adoption[3] were enacted by Philolaus, also a Corinthian of the gens of the Bacchiadæ, but who, having emigrated to Thebes, was there appointed legislator. With regard to these laws, it is true that no precise tradition has come down to us, though one of their enactments probably was, that in case of there being several heirs to a single estate, as many of them as possible should be provided for by means of adoption into childless families. We have already remarked how Aristotle thought it not incredible that in many States even paiderastia was regarded with favour in order that the birth of too many children might be prevented; and though this rests on mere conjecture, and not on trustworthy evidence, it is nevertheless not entirely improbable; and this much at least is certain, that it was universally considered unadvisable to leave behind many heirs to a single estate. Even in Hesiod's poem *The Works and Days* (l. 376), it is described as the most desirable lot to have but one son to succeed to and to continue the family, while it is added, possibly by another hand,[4] that there is no objection to a second or later-born son, who, on the death of his father, would remain in the inheritance—a consideration which of course presupposes that the eldest son has already founded a house of his own during the lifetime of his father. This rule is, it is true, put forward not only for the ruling classes, but for every individual alike, but it is evident that the ground on which it rests must have had a special importance for the former. In hardly any State, as it has been

[1] Arist. *Pol.* vi. 2. 5. [2] Arist. *Pol.* ii. 3. 7. [3] *Il.* ii. 9. 6, 7.
[4] Cf. *Opusc. acad.* iii. p. 61, on the critical commentary introductory to Schömann's edition of Hesiod, p. 39.

stated above, was there any legal prohibition against getting rid by exposure of children for whom the family property was insufficient to provide in a manner suited to their position. It is only in connection with Thebes that we learn that here there existed a law by which the father was bound to bring the child, whom he was unable to rear, before the magistrate, by whom it was transferred to some other person who was willing to accept it, and who in return was allowed to retain it as a servant.[1] This, however, it is evident, had exclusive reference to the poorer classes. In Ephesus also the exposure of children was only allowed when the impossibility of rearing them was extreme, and clearly proved.[2] The rich were able to avoid the inconvenience of begetting too many heirs by putting a limit to the number of their legitimate children, while they satisfied the sexual impulse by illicit unions, for which female slaves and prostitutes afforded ample opportunity, and which public opinion never regarded as disgraceful.

Another means of supporting the oligarchical government was the retention of the lower classes in the State, whether they were citizens or subjects, as far as possible in a condition which rendered them less dangerous to the government. Arms were never to be put into their hands, nor was a large number of them permitted to dwell together in the city, but they were compelled to live dispersed throughout the country, or in small towns,[3] and when their numbers became too great, it was found necessary to attempt to get rid of them by the foundation of colonies, though this course was only possible under favourable circumstances. In those States, which through their position and relations were attracted to navigation and commerce, a numerous town-population was unavoidable. On this account it was here that an exclusive oligarchy of birth was least able to maintain its position, and was obliged to make way for plutocracy, or the government of wealth, which any citizen, though without noble birth, might attain by means of industry and good fortune. The Corinthians, we are told,[4] of all the Greeks showed the least contempt for artisans, and we may assume that here therefore citizens engaged in trade were not excluded from admission to the public magistracies, or to the council, provided that they possessed the requisite property qualification. In other States, on the contrary, this class was considered ill adapted for participation in political power. In

[1] Ælian, *V. H.* ii. 7.
[2] Produs on Hesiod, *Works and Days*, l. 494.
[3] Arist. *Pol.* v. 8. 7; *Rhet. ad Alex.* c. 2.
[4] Herod. ii. 167.

Thebes there was a law that no one should hold any office who had not for at least a period of ten years held aloof from every mechanical labour or retail trade, and in ancient times the same institution was found in many other places, until absolute democracy forced its entrance.[1] Aristotle considers this to be not a reprehensible or oligarchical measure, but one well suited to an aristocracy, and in doing so it is possible that he was not mistaken. It was, however, a distinctly oligarchical feature when the ruling order not merely excluded their less privileged fellow-citizens from the administration, but also avoided all intermarriage between members of the two classes, from the apprehension that matrimonial alliances with noble families might easily excite and foster political claims among the inferior citizens. There is no direct evidence, as we remarked above, that connubium between the two orders was expressly forbidden by law, though it is not entirely improbable that this was the case. When, however, the Demos at Samos, after having won the upper hand over the Geomori, expressly forbade all intermarriage between its own order and the latter,[2] it is probably not an unfair inference that previously this had been permitted. We know, however, with regard to the Bacchiadæ in Corinth, that they exclusively intermarried with one another, avoiding all union even with other noble families,[3] and it was one of the causes of their downfall, that on one occasion they were unfaithful to this principle, and permitted the marriage of the daughter of one of their members with a man belonging to the less privileged nobility. For it was Cypselus, the son born of this marriage, who, doubly mortified at his exclusion from the State authority, from the fact that, at least on his mother's side, he was of the same blood as those who excluded him, at first caused himself, possibly through the support of his mother's family, to be intrusted with the position of commander-in-chief, and then proceeded to use this, by means of demagogic devices,[4] so as to create a numerous body of supporters among the people, by whose help he succeeded in overthrowing the Bacchiadæ, and gaining the chief power for himself.[5] It is true that this success must have been partly promoted by other causes of discontent already existing among the people; but these were sure not to be wanting, and indeed

---

[1] Arist. *Pol.* iii. 3. 2, 4, and 2. 8.

[2] Thuc. viii. 21. Florentine history furnishes a similar example.

[3] Herod. v. 92.

[4] Arist. *Pol.* v. 9. 22.

[5] Nicol. Damasc. in C. Müller, *Fragm. Histor. Græc.* iii. p. 392.

in every part of Greece we can discern about that time, *i.e.* in the seventh century, the signs of resistance on the part of the people to oligarchical governments.

CHAPTER VII.

DECLINE OF OLIGARCHY.

THE causes of this phenomenon are generally not hard to discover. Oligarchy is by its very nature easily liable to deterioration. The time-honoured possession of power and privilege renders the members of the ruling orders insolent and haughty; they abuse the confidence and esteem of the people by dissolute habits; they mortify it by acts of violence and injury, even in those relations in which no man endures injury with patience, as, *e.g.* when the honour of women and the chastity of children is violated; they show in every way that they have at heart, not the good of the whole, but their own class-interest and the satisfaction of their lusts, and, in short, they forfeit more and more the character of an aristocracy, which is the one solitary means by which the rule of a minority can be made endurable to the people. This is stated by an ancient historian[1] as the most universal and active cause of the ruin of oligarchy, and its overthrow followed with all the greater certainty when it trusted to the false hopes of meeting the rising discontent by means of force, as it is related of the Penthelitæ at Mytilene, that they went round the city and cut down with clubs all who were obnoxious to them.[2] It is however evident that other more special causes might occur in particular cases. One of these was the absence of unanimity among the oligarchical body itself, when divisions arose amongst them: one portion of the privileged class raised itself above the heads of its fellow-members, and thereby induced the latter to turn for assistance to the people. In some oligarchies it was legally enacted that neither father and son, nor brother and brother, should be allowed to serve together in a single office, or in the same collegiate magistracy, as at Cnidus, Istros, and Heraclæa.[3] By this means a number of discontented

[1] Polyb. vi. 8. 4, 5.
[2] Arist. *Pol.* v. 8. 13.
[3] *Id. ib.* v. 5. 2. Since Istros and Heraclæa are names common to several cities, it is uncertain which of them Aristotle had in his mind.

persons might easily arise within the ruling class itself, which, with the assistance of the people, could completely overthrow the constitution. This might take place, moreover, on the occasion of some special misfortune which weakened the ruling class, as at Tarentum and Argos, in which States a large number of citizens fell in wars against the Iapyges and Spartans respectively, and in consequence of which the less privileged classes were admitted to a share in the government.[1] In the same way, circumstances sometimes rendered it necessary to put arms into the hands of the people, in order to be able to hold their own in a war against a foreign enemy, and in these cases the people, having once borne arms for the State, soon succeeded in acquiring greater political rights. In other cases many of the privileged order fell into pecuniary difficulties, and when once a ruling class becomes improvident, it immediately ceases to be an object of respect or fear in the eyes of the people. Or, finally, when the people advances in prosperity, and thereby necessarily acquires greater culture and self-confidence, it simultaneously puts forward greater claims, and no longer endures to see itself excluded from the public administration. Only in constitutions founded on a timocratic basis is the increase of prosperity able, without convulsions, to effect the transformation of oligarchy into democracy, when the property qualification entitling to political privilege, which in former times was considered as a degree of wealth possessed only by a few, was, in the course of time, acquired by many, while political power remained attached, without any heightening of the standard, to the same amount. For it was probably only in some few States that the standard of income received periodical additions, by which political power might remain limited to a small number.[2]

CHAPTER VIII.

ÆSYMNETÆ AND LEGISLATORS.

THE resistance of the people to the oligarchical governments, which is discernible after the seventh century, was attended with by no means equally important consequences in every State, and least of all did it give rise at once to actually demo-

[1] Arist. *Pol.* v. 2. 8.

[2] *Id. ib.* v. 76 ; cf. above, p. 108.

cratic constitutions, although the hitherto unrestricted holders of power found themselves impelled to make various concessions. In many States a peaceful understanding was brought about between the contending parties; while, by mutual agreement, they delegated to certain individuals, who enjoyed the confidence of both, the task of restoring harmony by means of certain well-considered regulations. The most famous and memorable example of this is furnished us by Athenian history, where, after violent struggles, the two parties united in investing Solon with full powers as mediator and legislator. It is highly probable also that the legislation of Zaleucus among the Italian Locrians, towards the middle of the seventh century, as well as that of Charondas at a somewhat later date among the Catanæans in Sicily, was the consequence of similar commissions rendered necessary by the same causes; but the history of both is very obscure and full of contradictions, so that it is evident that even the most learned of the ancient authorities were in possession at best of very inadequate information with regard to them.[1] Their laws, moreover, though celebrated, were little known; and although in the States for which they were made many portions of them may have been retained, yet they received in the course of time so many modifications and alterations that little can with certainty be ascertained with regard to their genuine and original form. Their celebrity, however, even at an early period, induced certain theoretical writers to draw up ideal systems of legislation under their names, into which they no doubt introduced certain actual features traditionally assigned to the originals, though probably, to a great extent, they put forward merely inventions of their own.[2] It is this literary hack-work, by which even Cicero permitted himself to be deceived, that has originated not only the Procemia, or introductory expositions of the two legislators by Joannes Stobæus, but also the specimens of the laws given by the uncritical Diodorus, both of which are accordingly utterly unworthy of confidence. Of a more trustworthy character, however, is the statement that Zaleucus first committed his laws to writing some two hundred years after the time in which Lycurgus is stated to have given his Rhetræ to the Spartans. Pittacus of Mytilene, however,

[1] Some (*e.g.* Timæus) have doubted or even denied the existence of Zaleucus; *vide* Cic. *de Legg.* ii. 6. 15; cf. also the references in the *Antiquitates juris publici Græcorum*, p. 89.

[2] Athenæus, xiv. 10, p. 619, reports, according to Hermippus, that in Athens the laws of Charondas were even sung. These were therefore in all probability proverbs and maxims in the form of songs which were attributed to Charondas.

was a contemporary of Solon, and to him were intrusted the reins of government and full powers for the making of laws after continued convulsions in the State, caused by violent party struggles, when, amid the confusion, a tyrant named Melanchrus had succeeded in gaining the supreme power, and after a short time had been again expelled. A similar position had been accepted in Eubœa shortly before the time of Solon by a certain Tynnondas;[1] and both Aristotle and other writers bear testimony to the fact that an escape from internal dissensions was often effected by thus voluntarily delegating the supreme power to individual citizens. Aristotle states[2] that the title of Æsymnetæ, which is equivalent to elected sovereign, was conferred upon rulers of this kind, and in some cases the office was held for life; in others, either for some fixed period or until the completion of their mission.[3] They are compared by Dionysius of Halicarnassus[4] with the Roman dictators, who were certainly in some cases appointed on the occasion of internal disputes, although never, like the former, either for an indefinite time, or for life, nor were they invested with any legislative power.[5] It was customary among the Thessalians, when party struggles appeared within the State, to appoint a so-called mediator (*ἄρχων μεσίδιος*), and to place at his disposal an armed force in order to maintain his authority intact.[6] Such mediators may be compared with the Æsymnetæ, many of whom had likewise an armed force under their command. In many instances probably the mission of the Æsymnetæ was to draw up a new constitution, securing the rights of both parties, and it was an undertaking of this kind which was so excellently fulfilled by Solon. Apparently, however, it was often considered sufficient merely to place some limitation on the arbitrary exercise of the supreme power, by binding it down to definite legal provisions, without essentially revolutionising the constitution itself. With regard to Pittacus, at least, we are assured by Aristotle, or whoever the author of the ninth chapter of the second book of the *Politics* may be, that he made laws, but introduced no new constitution,

[1] Plutarch, *Sol.* c. 14.

[2] *Pol.* iii. 9. 5. Properly *αἰσυμνήτης* is the man who assigns to each his *αἶσα*, or what is his right or due. In *Od.* viii. 258 the word signifies an umpire in a combat, while in *Il.* xxiv. 347, where it is represented by the form *αἰσυμνητήρ*, which Aristarchus rejects, it is equivalent to *ἄναξ*.

[3] Occasionally permanent magistrates appear to have borne the title; *vide Etymologicum Magnum*, p. 39, 16; and Curtius, in Gerhard's *Denkm. und Forsch.* (1853), pp. 382-3. The form *αἰσυμνήτης* is also found.—Visch. *Epigr. Archæol. Beitr.* p. 43.

[4] *Ant. Rom.* v. 73.

[5] It need hardly be noticed that the dictatorship of Sulla and Cæsar are quite different from the original office in ancient Rome.

[6] Arist. *Pol.* v. 5. 9.

while in Athens, Dracon, the predecessor of Solon, contented himself with the same course. Even Zaleucus and Charondas are not represented as the founders of constitutions, but their fame simply rests on the precision and excellence of their laws. And indeed it must at that time have seemed an essential step towards improvement, when the holders of power ceased to exercise their authority in accordance with their own pleasure or the necessarily fluctuating and indefinite standard of traditional custom—by which, especially in judicial proceedings, justice was often compelled to give way to class considerations—and fixed and established rules were appointed, compliance with which was made compulsory.[1] This change, it is true, necessarily involved the existence of some authority able to compel the observance of these rules, and to punish their infringement, and in this manner to secure to the people the advantage of a legal and impartial maintenance of justice. In what way, however, these objects were secured we are unable to ascertain.

CHAPTER IX.

THE TYRANTS.

ANOTHER phenomenon in this period of reaction against oligarchy, of still more frequent occurrence than the creation of Æsymnetæ, was the rise of tyrants. By this name the Greeks designate all those who exercise an unconstitutional individual sovereignty, and accordingly they sometimes employ it in connection with legitimate kings, when they extended their authority beyond the constitutional limits, as, *e.g.* the Argive king Pheidon in the seventh century, notwithstanding that he possessed the throne by inheritance, was on this ground ranked among the tyrants, as was also, at a later time,

[1] Even in Rome, if we may trust the account of the ancients, it was only the desire for some regulation, to limit in this way the arbitrary power of the magistrates, which was the motive of the legislation of the Twelve Tables, not any wish for a revolution in the constitution. All the conjectures put forward, sometimes with much acuteness, and not without probability, by modern writers, with regard to a revolution effected by the Decemviri, is entirely without the confirmation that ancient testimony would afford, either because it was entirely forgotten, or because it was considered less important, or, finally, because the Twelve Tables actually contained no such measures.

the Spartan king Cleomenes in the third century.[1] Aristotle, however, finds the chief and most essential characteristics of tyranny in the fact that the ruler exercises his power more for his own personal interest than for the good of the commonwealth —a generalisation to which perhaps some objection might be made,—and also that he governs in an unlimited, or, as he expresses it, in an irresponsible manner.[2] This unlimited and unconstitutional sovereignty then took its rise sometimes, as we have already stated, from the legitimate monarchy, or, in the case of republics, from the supreme magistracies, when these were created with too long a duration, and too extensive a power, but they most frequently arose in oligarchical States, when popular discontent with the government was made use of by bold and spirited party leaders to gain popularity and create a faction, by the assistance of which they succeeded in overthrowing the oligarchy and transferring the government into their own hands. With this result the people were usually not discontented, because they thus found themselves at least emancipated from the hated oppressions of their former masters. The names of many of the tyrants belonging to this period are known to us, but with regard to very few have we any details of the way in which they gained the supreme power. Mention has already been made of the Corinthian Cypselus, but at a still earlier period in the beginning of the seventh century, Orthagoras or Andreas, the earliest, so far as we know, of the whole number, had risen to power in Sicyon.[3] It is perfectly clear from the fact that he belonged to the politically inferior Phyle of the Ægialeis,[4] that it is impossible to consider him as one of those who employed the power bestowed by a constitutional magistracy to attain a position of sovereignty, but that he was a party leader, and one of a class of malcontents, who understood how to make a skilful use of the strength of his party.[5] The gens of the Orthagoridæ main-

---

[1] Concerning Pheidon, see Herod. vi. 127; Arist. *Pol.* v. 8. 4; Paus. vi. 22. 2; H. Weissenborn, *Hellen.* 5. 19; L. Schiller, *Stämme und Staaten Griechenlands*, iii. 19; and with regard to Cleomenes, Polyb. ii. 47. 3; Plutarch, *Aratus*, c. 38.

[2] *Pol.* iv. 8. 3; cf. iii. 5. 4.

[3] Concerning the name *vide* Müller, *Dorians*, vol. i. p. 184, Eng. tr., Grote, vol. ii. p. 409. One of the contemporaries of Orthagoras was the Pærian poet Archilochus, by whom the name τύραννος is said to have been first incorporated in the language, or at least the literature, of the Greeks. The attempts to explain the word from Greek roots are not satisfactory, while on the other side Böckh's opinion is very probable, that it was first employed by the Asiatic Greeks, and derived from the language of the neighbouring Lydians and Phrygians (*Corp. Inscrip.* ii. 808).

[4] This appears from the statement of Herodotus concerning the Orthagorid Cleisthenes (v. 67).

[5] By some he is said formerly to

tained itself in the possession of the government for about a century, and the people prospered under their rule. Of Cypselus, who, shortly after the elevation of Orthagoras, overthrew the oligarchy of the Bacchiadæ in Corinth, mention has already been made (p. 153). He was succeeded by Periander, who was numbered by many among the Seven Wise Men. How indispensable it appeared to the latter that tyranny should be supported by the weakening of the nobility, is clear from the answers which he caused to be returned to Thrasybulus, who had consulted him on the subject.[1] The last-named personage had at that time raised himself to the tyranny of Miletes, by means, as may be inferred from the advice imparted to him on this occasion, of taking up the cause of the people who were discontented with the ruling class.[2] To the same period, though somewhat earlier, belongs the rise of Theagenes at Megara, who was no doubt furnished with the means of securing the chief power by the hatred of the people towards the rich or noble classes,—for the two were in this case no doubt identical. He first contrived to be raised by the people to a position which placed at his disposal a number of armed men as a body-guard, and these he proceeded to employ in overpowering the opposite party, and maintaining his own authority.[3] It was a similar disposition on the part of the people towards the nobles that in Attica procured a body-guard for Peisistratus, and with it the means of obtaining possession of the chief power. One of the contemporaries of Peisistratus was Lygdamis of Naxos, who, like the former, belonged by birth to the nobility, but who had placed himself on the side of the people which had risen against the injuries inflicted by the governing body.[4] Several decades before his time a certain Syloson had obtained possession of the sovereignty in Samos. He also apparently belonged to the privileged class, for he was despatched as commander of the fleet to a war against the Æolians (what State is uncertain), but used the opportunity to seize the city during a festival, with the assistance of his crews, to expel the Geomori and to make himself tyrant.[5] The

---

have been a cook (Liban. tom. iii. p. 251, Reisk).

[1] Arist. *Pol.* iii. 8. 3. Herodotus (v. 92) reverses the story, and makes Periander inquire of Thrasybulus. That this is erroneous is shown by Duncker, iv. p. 18.

[2] It is, to say the least, extremely probable that the passage in Arist. *Pol.* v. 4. 5, where it is said that in Miletus the tyranny was gained by means of the extensive authority of the Prytanis, has reference to Thrasybulus (*vide* Duncker, iv. p. 93).

[3] Arist. *Pol.* v. 4. 5; *Rhet.* i. 2. 7.

[4] Arist. *Pol.* v. 5. 1.

[5] Polyænus, vi. 44. The account in Plutarch, *Quæst. Græc.* no. 47, has no reference to this, as some have imagined.

Geomori, however, soon after regained possession of the government, until Polycrates, possibly a grandson of Syloson, once more wrested it from their hands. With his armed band of partisans he fell, also on the occasion of a festival, on the defenceless Geomori, and, having routed them, captured the town and citadel, and, supported by auxiliaries sent by Lygdamis of Naxos, retained possession of the tyranny.[1] Somewhat later, but amid similar circumstances, several tyrannies arose in the Italian cities. In Sybaris the Thurii of later days, the people under the lead of a demagogue named Telys, rose against the oligarchy, expelled three hundred of its richest and most distinguished members, confiscated their property, and intrusted the government to the demagogue, who, however, failed to hold it for long, since the exiled party found assistance among the Crotoniatæ, by whom the Sybarites were defeated and their city captured and destroyed.[2] At Cyme (Cumæ) the supreme power was seized by Aristodemus, surnamed Malacus, a member of an illustrious gens, who had prominently distinguished himself in the war against the Gauls, but had not received all the rewards which he considered his due, and had therefore joined the party of the discontented populace. He was unable however at that time to overthrow the oligarchy, an event which took place twenty years subsequently, when he was sent to assist the inhabitants of Aricium against Porsenna, and instead of perishing in the disastrous struggle, as the oligarchs had hoped, he won over the army to himself, put to death the members of the State Council and their adherents, and by promising to the people the abolition of debts and a distribution of land, he caused himself to be appointed supreme magistrate with unlimited sovereignty. After the lapse however of several years he was defeated and slain by the descendants of the same oligarchs, who had been subjected by him to every kind of oppression and humiliation.[3] In Rhegium also the oligarchy were overthrown by Anaxilas, a popular leader, and by birth one of themselves. He, too, raised himself to the position of tyrant,[4] though all details of the mode in which he did so are wanting. In Sicily we find mention at Leontini of a tyrant named Panætius, who lived as early as the beginning of the sixth century,[5] while in many other Siceliot towns tyrants sprang up, concerning whom we

[1] Herod. iii. 39; Polyæn. i. 23. 1.

[2] Diodor. xii. 9. 10. In Herodotus v. 44 Telys is called *βασιλεύς* and *τύραννος*.

[3] Dionys. *Ant. Rom.* vii. 2. 11.

[4] Arist. *Pol.* v. 10. 4; Strabo, vi. p. 257.

[5] Arist. *Pol.* v. 8. 4, and 10. 4; Clinton, *Fast. Hell.* i. p. 182 [B.C. 608].

possess but little precise information. The famous Phalaris of Agrigentum, when ordered to superintend the building of a temple to Zeus Atabyrius, employed the numerous band of workmen who were under his orders in obtaining the sovereignty for himself.[1] Particular mention is made by Aristotle of Cleandrus at Gela, who lived at the close of the sixth century, and after whose assassination the power passed first to his brother Hippocrates, and then to Gelon, a member of another family, who by means of his military and political talents soon made himself the mightiest prince in the island, and even subdued Syracuse which henceforth became his seat of government, in which, he was succeeded by his brother Hiero.[2] Now all these tyrants, as well in the colonies as in the mother country, possessed this one point in common, that they owed the possibility of their elevation to the discontent of the people with the oligarchy which had hitherto existed. For this reason their chief care was to keep down the oligarchical party and to make it harmless, while the people, as long as they caused no apprehension to the tyrants, found itself under the new régime generally in a better condition than under the old. Nor can it be denied that some of the tyrants were men whom it is impossible to suppose deficient in distinguished personal qualities. Many of them could fairly lay claim to the esteem of their contemporaries by the moderation with which they exercised their power, as the Orthagoridæ at Sicyon, Cypselus in Corinth, or Pisistratus in Athens; many also by the institutions which they established for the general good, by their attention to discipline and morality, and by their patronage of art and science. Thus there were not wanting noble spirits like Pindar or Æschylus, who did not disdain to frequent the courts of the tyrants as friends and welcome guests, and who refused to regard as a hateful crime the possession of power which, though usurped, was taken from feeble or worthless hands, and transferred to those who worthily administered it. On the other hand, when the tyrants perceived that the people, not satisfied with their liberation from the oppression of the oligarchy, already nurtured designs for obtaining some share of their own in the government of the commonwealth, they were then, through their anxiety to maintain their own supremacy, driven to measures the object of which was the suppression of these tendencies. A numerous town population appeared to them no less than to the oligarchy to be an element of danger, and they accordingly sought to counteract the collection of large masses

[1] Polyæn. v. 21.

[2] Herod. vii. 154 *seq.*

in the towns, and rather to exhort the people to agriculture, a course which admits, it is true, of a more favourable explanation.[1] But when for the sake of their own security they surrounded themselves with a numerous body-guard of mercenary troops—when in order to procure pay for these they imposed heavy taxes upon the people—when they connived at many acts of outrage on the part of those from whose protection they hoped to gain their own security in order to keep them well affected to themselves, and finally when they introduced a system of secret police,[2] and made away with every suspected person,—their power was in the end all the more certainly undermined by these very measures which for a time had the effect of supporting it. It was however in most cases not the first founders of the tyranny who considered these measures necessary, but rather their successors, who had inherited the supreme power from them without the addition of those qualities and merits by means of which the former had acquired it, and who therefore in the absence both of all claim to personal esteem and gratitude, and the right of long established legitimacy, saw a prospect of security only in violence. Many moreover were very degenerate sons of their fathers, and gave themselves up to unbridled abuse of their authority, and to an insolent and dissolute life of enjoyment by which they drew upon themselves contempt and hatred. It was the result of these causes that in no instance did a tyranny strike firm roots, but after a longer or shorter duration was again overturned. The one which maintained itself for the longest period, says Aristotle,[3] was that of the Orthagoridæ in Sicyon—this lasted one hundred years; next to it that of the Cypselidæ in Corinth for seventy-three years; that of the Pisistratidæ in Athens for thirty-five years altogether, though not without interruptions; and that of the Siceliot tyrants of Gela and Syracuse together for about eighteen years; the others all continued for a still shorter time. Details of the manner of their destruction are known to us in only a few instances, and we must content ourselves with the general statement that they rendered themselves and their government in the highest degree hateful, so that a lively recollection of them was retained in the popular consciousness, and the rule of the tyrants was considered the most unbearable and odious of all forms of government. This hatred it was which served as

[1] Of Periander we are told (Suidas, *sub voc.* Periander) that he forbade to the citizens the possession of slaves, in order that they might be obliged to labour themselves, and also that he did not permit leisure time to be spent in the market-place.

[2] Arist. *Pol.* v. 9. 3.

[3] *Pol.* v. 9, 21 *seq.*

a weapon against them, ready to the hand sometimes of the still remaining oligarchs, sometimes of the people, while many of them are said to have been overthrown by the special intervention of the Spartans. Where this was the case it certainly was effected chiefly in the interest of oligarchy, which in consequence, though not without judicious modifications and concessions to the equitable demands of the people, was restored. In other cases, however, the democratic element henceforth gained an important preponderance. Before however we enter upon a closer examination of democracy, our attention is demanded by another important phenomenon of the same period.

CHAPTER X.

THEORETICAL REFORMERS.

THE same period which in the State life of the Greeks everywhere places before our view the struggle for emancipation from the rule of a privileged nobility, presents itself also in another and more general relation as the period of awakening consciousness in the Greek spirit, of which we may consider that struggle as a single symptom. It is especially the period in which the path of traditional custom began to be deserted, in which new directions in various quarters were first explored, and in which continuance in tradition gave way to a more reflective study of the world and its relations, and to an attempt to determine them in accordance with the dictates of thought and knowledge.

After that emigration of people which, in the mother country, terminated with the settlement of the Dorians in the Peloponnese, and was followed by numerous colonisations on the coasts and islands of Asia Minor, a period of quiet had ensued, in which the prosperity and civilisation of the people continuously advanced. The peaceful intercourse between them was quickened and extended; the colonies, being in the closest contact with foreign nations of a more advanced civilisation, were hurried forward in a rapid and many-sided development of which the mother-country, which stood in a relation of constant interaction with them, could not fail to receive some share. The mental horizon was extended, knowledge increased, reflection was aroused; it instituted comparisons and demanded proofs, while everywhere the new life with its new relations withdrew the eyes of men from the past, which was separated by a

wide gulf from the world of the present. Poetry, which had hitherto derived its object chiefly from the fables of antiquity, now began to devote itself to the expression of the considerations, thoughts, and dispositions to which the immediate present excited the spirit and understanding. In place of the Epos, whose last notes were probably claimed less by the people than by the noble lords, many of whom saw their own ancestors in the heroes who were honoured, and who in several instances sought to be themselves regarded as epic poets,[1]—didactic (or gnomic), and lyric poetry succeeded to the place of honour. Instead of celebrating the deeds of the gods, who were mixed up with the lives of the heroes, men began to inquire into their being, and into the nature of things, and instead of resting content in the traditionary practice of a traditional worship, they devised more efficacious measures and methods by which to extract from the gods revelations of their will and to gain or preserve their favour. The oracles acquired an influence of which in Homer we gain as yet no glimpse: new religious customs were introduced, and individual men stepped forward as seers, enlightened by and intimately connected with the divinity, and found respect and obedience. A man of this kind was Epimenides of Crete, with regard to whom, out of what we must admit are exceedingly fabulous reports, this much at least may be stated with confidence, that he put forward theosophic doctrines, reformed the worship, and also attempted to regulate the moral behaviour of men, as well as to improve their political condition. He was invited to Athens, when the people, filled with religious apprehension on account of their past offences, were anxious for some stronger and more efficacious means of purification, in order to appease the wrath of the gods. His influence is said to have been of assistance to Solon in quieting the excitement of parties, and restoring harmony.[2] In Sparta also the remembrance of his presence was retained, oracles delivered by him were written on parchment, and preserved in the public office of the Ephors, and it may be assumed that he was not without important influence on political relations, and especially on the position of the Ephorate in its dispute with the monarchy.[3] In later times a political work was also ascribed to him on the Cretan constitution and its mythical legislators, Minos and Rhadamanthys.[4] A similar

[1] With regard to the Corinthian Eumelus, an epic poet about the middle of the eighth century, we know from Pausanias, ii. 1. 1, that he was one of the Bacchiadæ.

[2] Plutarch, *Sol.* c. 12.

[3] See especially Urbichs in *N. Rh. Mus.* vi. p. 222.

[4] Diog. Laert. i. 112.

influence is said to have been exercised at a still earlier period by another Cretan named Thaletas, who was represented as the pupil of an otherwise unknown Locrian named Onomacritus, a prophet and legislator, and the master not only of the Spartan Lycurgus, but also of Zaleucus.[1] Even supposing that this too is false, it nevertheless proves the close connection which was supposed to exist between political and legislative results and religious ceremonies, and the manner in which political reforms were assigned to the self-same men who were regarded as the reformers of religion and worship. Nor is the fact to be overlooked that it was to two Cretans that this influence was pre-eminently ascribed, to the natives of an island which by virtue of its situation stood in closer contact with Egypt and the East, and most certainly could not have remained untouched by influence from that quarter.

Epimenides, moreover, has by many been ranked among the seven wise men, and, therefore, in the same category with Solon and Pittacus, who have already been mentioned as Æsymnetæ and legislators. To the same number belong, in addition to these, the Spartan Chilon, to whom we shall return on a later occasion, Cleobulus, who at this time was actively engaged at Lindos in Rhodes, probably as Æsymnetes and legislator, and Bias of Priene, who was celebrated for the excellence of his political activity, as well as for particular skill as an advocate. It has already been mentioned that the Corinthian Periander was also numbered among this body. In addition to all these, however, there were others besides to whom the same honour was ascribed by others, but the enumeration of whose names would serve no useful purpose. On the whole, however, it is evident that those who were numbered among the wise men owed this distinction chiefly or exclusively to their statesman-like intuition and success. Philosophers in the later sense of the word they could not be called, says an ancient writer,[2] but simply keen-sighted men with a capacity for legislation, and we know that Thales, the only one who obtained a place in the history of philosophy, properly so called, was by no means unfamiliar with participation in State affairs.[3] The wisdom which they possessed was a knowledge, derived from an intelligent appreciation of actual relations and conditions, and of the necessary measures which were calculated to secure the prosperity of the commonwealth,—a knowledge which they not

[1] Plutarch, *Lycurg.* c. 4; Strab. x. p. 482; Arist. *Pol.* ii. 9. 5. Cf. Hoeck, *Kreta*, iii. 318, and for the other side, Schöll, *Philolog.* x. p. 63.

[2] Dicæarchus, apud Diog. Laert. i. 40. Cf. Cic. *de Republ.* i. 7.

[3] Herod. i. 170; Diog. Laert. i. 22.

merely displayed in their political activity, but sometimes also put forward in their writings in the form of doctrine. An entirely peculiar position, however, was taken up in the sixth century by Pythagoras, whom we may describe as a philosophical and theosophic reformer with a theoretical method, and whose influence was of no slight importance for a considerable period in the States of Magna Græcia. His birthplace was Samos, but after long-continued journeys in Egypt and the East, he settled at Croton, which town became henceforth the centre of his influence. Here he soon succeeded, by the contents of his doctrines and the imposing force of an extraordinary personality, in assembling around him a circle of pupils and admirers, not only from Croton, but also from the neighbouring cities. His pupils formed an exclusive society, into which no one was admitted without careful examination and preparation, while the doctrines of Pythagoras, incomplete as is our acquaintance with their contents, evidently took for their object everything which in that age could be considered as philosophy, or the knowledge of things human and divine. They possessed a predominant religious colouring, and were united with strict and almost ascetic precepts, in order to regulate life in a manner agreeable to the gods. His pupils all belonged to the class of privileged and distinguished citizens, and therefore not unnaturally attempted to give to their association in State matters also the influence which in their own opinion was its due. They considered themselves as the best and worthiest among the citizens, and as therefore naturally called to the government, which would consequently become in truth and not merely in name an aristocracy. How far Pythagoras himself may have held and carried out political ideas we are unable to determine, but with regard to his followers it is certain not only that they had such ideas, but that they transformed their associations in the various States into political clubs, which actually succeeded in gaining for a considerable period the preponderating influence on the government and administration of public affairs. But with their strict exclusion of all who did not belong to their association, and the utter contempt which they displayed towards these, their power could not be of long duration. They interfered with too many claims on the part of others, and accordingly a general reaction soon broke out against them; their clubs, not without violence and bloodshed, were dispersed, and those of them who escaped massacre were compelled to find refuge in foreign lands.

Whether or in what degree political theory among these

Pythagoreans was, properly speaking, formulated, is less easy to be ascertained, since every striking feature which has descended to us under the name of any of them bears unmistakable marks of being the invention of a much later time.[1] Equally fictitious with these pretended Pythagorean writings is the connection in which the doctrines of Pythagoras are placed by some with the legislation of Zaleucus and Charondas, and even with Numa Pompilius himself. To a certain extent, however, Empedocles of Agrigentum, though he certainly lived nearly a century later, may in some respects be compared with Pythagoras, although he founded no society, like the former, and though above all his influence was less important, and was exercised rather in the interest of democracy than of aristocracy. It is indeed certain that he did not confine himself to the speculations of natural philosophy, but exercised also political activity,[2] and since he was the first to formulate the theoretical principles of public oratory,[3] we may assume with confidence that he was not without a certain political theory also. We may conjecture the case to have been similar with Parmenides the Eleatic, who lived at a somewhat earlier date, and who, like his pupil Zeno, is said to have drawn up written laws for his fellow-citizens. These can scarcely have been parts of a comprehensive legislation or entire constitution, projected under commission from the State, and definitely introduced, and all that we can assume is that they put forward in a written form their opinions on the State, and the laws best adapted for it. In the same way I am convinced that the statement, in accordance with which it is believed that Protagoras of Abdera drew up laws for Thurii,[4] is not to be understood of a code actually introduced into the State, but simply of a literary work, similar to the Platonic Books on the Laws,[5] the motive for which he may have gained from the foundation of that town on the site of the ancient Sybaris, which occurred at that time. The practical intelligence of the Greeks certainly placed small confidence in a theorist like Protagoras. Thus when the Italo-Greek States, after the banishment of the Pythagoreans, called in wise men to restore their political relations to order, they had recourse to statesmen of practical

---

[1] Cf. Gruppe, *über die Fragmente des Archytas und der ältern Pythagoreer;* Berl. 1840.

[2] Diog. Laert. viii. 66; cf. 63, where it is said that he declined the offer of the government.

[3] Sext. Empir. p. 370; Quintil. iii. 1. 8; Diog. Laert. viii. 57.

[4] Heraclides Pontius, quoted in Diog. Laert. ix. 50.

[5] τοῖς νόμοις καὶ ταῖς πολιτείαις ταῖς ὑπὸ τῶν σοφιστῶν γεγραμμέναις.—Isocr. *ad. Philipp.* § 12.

experience from Achaia,[1] a country which had the reputation of enjoying good constitutions and a wise administration; and in the same way, when we find in later times many men whom we are familiar with as philosophers or the pupils of philosophers, and whom we are therefore led to consider mere theorists, mentioned as the legislators of this or that State,[2] we must remember that the statements concerning them are all either untrustworthy or inexact, so that we are unable to distinguish how far the mission thus received was due to and affected by practical proof of their capacity, and how far to their theoretical wisdom.

CHAPTER XI.

RISE OF DEMOCRACY.

ACCORDING to the account given by Polybius and Strabo,[3] the constitution in force among the Achæans whose assistance was demanded by the Italian States for the settlement of their relations, was of a democratic character, and had dated from the abolition of monarchy, the exact time of which however is uncertain. The existence of extreme democracy is negatived by the good reputation which the Achæans enjoyed on account of the administration of their State, and which an extreme democratical government never could have attained. The well-to-do classes must have retained their due preponderance over the masses, and the constitution was therefore probably modified in a timocratic direction, until, in the time of Epaminondas, foreign influences drove the people into sedition, and for some considerable time at least complete democracy prevailed.[4] No trace is to be discovered in Achaia of oppressive oligarchy or the supremacy of the nobility. The rest of Greece presented in the sixth century certainly no less various an appearance than in later times, and, as a

[1] Polyb. ii. 39. 4.

[2] *E.g.* Plato's pupil Phormio for Elis, Menedemus for Pyrrha, Aristonymus for Arcadia.—Plut. *adv. Colot.* c. 32. Plato himself also, as some of his admirers assure us, was invited to draw up laws for the city of Megalopolis in Arcadia, which was then founded.—Diog. Laert. iii. 23. A similar invitation, addressed to him from Cyrene, but which he prudently declined, is mentioned by Plutarch in his letters, *ad principem indoctum*, c. 1; cf. also Droysen, *Gesch. des Hellenismus*, ii. p. 302 *seq.*

[3] Polyb. ii. 41. 5; Strab. viii. p. 384.

[4] Xenoph. *Hell.* vii. 1. 43 *seq.*

general rule, it may be assumed that in those States in which tyrants had risen to power, the old oligarchy had received too great a shock for the earlier relations to be restored, after their downfall, to their original condition, but in every case certain concessions were of necessity made to the people. With regard however to particular States everything remains in the obscurity which continued with no light thrown upon it until the period of the Persian wars and the consequent rivalry between Athens and Sparta.[1] The same relations which in Athens brought about the rise of democracy cannot have failed to produce similar results elsewhere. As Aristotle remarks, nautical pursuits and the practice of naval warfare tend inevitably toward democracy. In the largely populated towns created by transmarine commerce, the maintenance of any other form of constitution than democracy is almost impossible. The masses become discontented with proportionate privileges, graduated according to property and personal qualifications, and demand absolute and indiscriminate equality.[2] When Athens rose to the head of a large portion of the Greek States, almost all of which were situated either on the coast or in islands, the necessary consequence was that the constitution which was preferred in Athens made a corresponding advance in all the States which were dependent upon her; while, on the other hand, the Spartans, wherever their influence prevailed, furnished a support to the oligarchy, and at least hindered the preponderance of the democratic element.[3] Though however it is true generally that in the Athenian confederacy democracy prevailed, while among the Spartan allies a more or less modified oligarchy was found, there was nevertheless no lack of exceptions an both sides. Thus at Mytilene in Lesbos the oligarchical party was strong enough at the beginning of

[1] In Corinth oligarchy again appeared after the fall of tyranny, though it was no doubt based more upon wealth than noble birth. The people was retained in tranquillity by lucrative industrial activity and the care of the government for its material prosperity. With regard to the senate, *vid.* above, p. 129, note 5, Megara appears after the fall of the tyranny to have been for a considerable time subjected to a savage mob government (Arist. *Pol.* v. 4. 3, Plutarch, *Quæst. Græc.* 59), after which oligarchy again made its entry (Arist. *Pol.* iv. 12. 10). It was afterwards induced by certain grounds of complaint against Corinth to attach itself to Athens (Thuc. i. 103), by which means democracy secured the upper hand, though it was once more forced to yield to oligarchy in the Peloponnesian war (*ib.* iv. 74). In Ægina, where however no tyranny is mentioned, an unsuccessful attempt was made by the people before the Persian wars to put down the oligarchy (Herod. vi. 91). At Naxos about the same period, and therefore after the fall of the tyranny, an oligarchical party was expelled by the people (*ib.* v. 30).

[2] Arist. *Pol.* iii. 10. 8; vi. 3. 5, 4. 3.

[3] Thuc. i. 19.

the Peloponnesian war to complete every preparation for detaching the island from Athens, and would probably have succeeded in their design had not one of their own party in consequence of a private quarrel disclosed their plan to the Athenians.[1] In Samos the oligarchy had continued until the ninth year before the same war, when the Athenians introduced democracy, though not until after a struggle of ten months,[2] and even after this event the Geomori must still have retained some standing, and indulged in conduct which embittered the people against them, since in 412, the twentieth year of the war, two hundred of them were put to death, four hundred banished and their goods divided, while the remainder were deprived of all participation in the civic rights, and even forbidden to intermarry with the people.[3] In Rhodes, where Dorieus, one of the Diagoridæ, and probably the head of the oligarchical party, was obliged about the year 444 to retire before the opposite party, the anti-democratic party was at least strong enough after the disaster of the Athenians in Sicily to effect the secession of the island to the Spartans.[4] In many other towns also there existed a considerable oligarchical party which was ill-disposed to the Athenians and ready to come to terms with the Spartans, as, *e.g.* on the Thracian coast in Torone, Mende, Scione, and Potidæa, in consequence of which all these places readily revolted to Brasidas.[5] On the other hand, however, oligarchy was by no means everywhere ascendant in the cities of the Spartan symmachy. Mantinæa retained a democratic constitution, which however was of a moderate character, and enjoyed the reputation of being excellently organised.[6] Not till 385 did the Spartans obtain predominance for oligarchy, at which date they captured the city, and dispersed its population among several open places or comæ in the neighbourhood, a state of things which continued till 370, when the city was once more rebuilt.[7] Tegea also and Phlius[8] were apparently more democratic than oligarchical,[9] and at Sicyon it was not at least until the Peloponnesian war that a more rigid oligarchy was introduced.[10]

Among the States which belonged permanently to neither of the two symmachies, Argos was decidedly democratic, ever

---

[1] Thuc. iii. 3; Arist. *Pol.* v. 3. 3.
[2] *Ib.* i. 116.
[3] *Ib.* viii. 21.
[4] Diodor. xiii. 38, 45; Thuc. viii. 44.
[5] Thuc. iv. 121, 123.
[6] *Ib.* v. 29; Ælian, *V. H.* ii. 22.
[7] Xen. *Hell.* v. 2. 1-7; Diod. xv. 5; Ephorus, quoted in Harpocration *sub voc.* Μάντινεα; Xen. *Hell.* vi. 5. 3; Pausan. viii. 8. 6.
[8] Xen. *Hell.* iv. 4, 15.
[9] Polyæn. ii. 10. 3.
[10] Thuc. v. 81.

since in consequence of a severe defeat inflicted by the Spartan king Cleomenes in 501 B.C. it lost the greater portion of its ruling class, when the Gymnesii or peasant serfs succeeded in obtaining possession of the supreme power for a considerable time.[1] They were indeed after a time once more overpowered, but the Argives in order to strengthen their position had recourse to the measure of removing their Periæci or the inhabitants of the dependent towns of Tiryns, Hysiæ, Orneæ, Mycenæ, Midea, and others into Argos itself.[2] The natural consequence of this step was the rise of democracy, which accordingly we henceforth see prevailing here,[3] and only occasionally and for a short time interrupted. Elis, on the contrary, although the town arose about the year 469 out of the union of several smaller places, nevertheless contained a preponderance of landed and agricultural inhabitants, who were little affected by democratic claims, while the municipal magistrates, the council of six hundred, and the Demiurgi appear after the fall of the oligarchy, which had hitherto consisted of ninety Gerontes appointed for life, and exclusively out of certain families, to have been elected after a less oligarchical manner, though it by no means approached a pure democracy.[4]

Outside the Peloponnese Thebes enjoyed the reputation of being a moderate oligarchy, which at the time of the Persian wars had degenerated into the rule of a few families, though it was subsequently restored to its former condition.[5] The character of the oligarchy was evidently rather Timocracy than the supremacy of birth, for we find that the law did not exclude from the superior magistracies those who had become wealthy through commerce, industrial pursuits, or retail trade, but only required that they should have withdrawn from those occupations for at least ten years.[6] For a time however unlimited democracy made its appearance in Thebes. In Orchomenus a privileged class of knights still existed at the time when the city was destroyed by Thebes, or towards the middle of the fourth century.[7] In Thespiæ mention is made of a ruling nobility which exclusively filled the office of Demuchi,[8] while the industrial and agricultural population was excluded from posts of honour,[9] and in the Peloponnesian war revolted against the privileged class, but were put down with the assistance

---

[1] Herod. vi. 83.
[2] Pausan. viii. 27. 1.
[3] Thuc. v. 29, 44, 81, 82.
[4] Diodor. xi. 54; Thuc. v. 47; Arist. *Pol.* v. 5 : 8.
[5] Thuc. iii. 62.
[6] *Vide supra*, p. 152.
[7] Ol. 104. 1; Diodor. xv. 79.
[8] Diodor. iv. 29.
[9] Heraclid. Pont. no. 43.

of Thebes.[1] In Thessaly a decided oligarchy of birth prevailed among the ruling people, although we find signs that concessions must have been made to the people in particular points, concerning the nature of which however nothing can be said. With regard to the Italian towns we have already narrated how they availed themselves of Achæan assistance in the regulation of their constitutions, and we may therefore infer that their government, like its Achæan model, was of a democratic character. As regards the cities of Sicily we may content ourselves with the remark that tyranny and democracy alternated with one another, although the former remained generally predominant.

These statements, which we confess are very incomplete and imperfect, are all that we are able with any confidence to produce with regard to the constitutions of particular Greek States exclusive of Athens and Sparta. The particular notices which we find elsewhere of magistrates and institutions are little calculated to afford us information, while it is misleading to infer the existence either of democracy or oligarchy from such names of offices as Demiurgi, Demuchi, Nomophylaces, Thesmophylaces, and the like. Even with regard to a frequently occurring title of popular president (δήμου προστάτης) it is not safe to determine whether it actually signifies an office, or whether it was simply applied to some distinguished leader of the popular party, some of whom were certainly to be found in every Greek State.[2] It only remains for us to collect the general features in order to depict Greek democracy principally according to the notices found in Aristotle.

CHAPTER XII.

CHARACTERISTICS OF DEMOCRACY.

THE principle underlying democracy is the struggle for a legalised equality which was usually described by the expressions Isonomy, or equality of law for all,—Isotimy, or proportionate regard paid to all,—Isagoria, or equal freedom of speech, with special reference to courts of justice and popular assem-

[1] Thuc. vi. 95.

[2] There are many passages in which the second meaning is unmistakably the correct one, while there are none in which the supposition of an official position is necessary, and only the possibility of this interpretation is sometimes present.

blies. The idea, however, of this legalised equality was conceived in very different ways. The rational conception would be for this equality to be founded on the fact that each individual should receive all that is properly his due in proportion to his worthiness and capacity, while the irrational conception is that all should be without distinction regarded as entitled to every privilege.[1] To this irrational mistake there was certainly a tendency among the Greeks, although it first became apparent at a later period. The older democracy recognised the fact that distinctions existed, and that in justice each individual was only entitled to participate in the government and administration of the commonwealth in proportion to the degree of his fitness and the value of his services. The difficulty only lay in the manner in which this principle was to be carried out in practice. A certain kind of service as well as the capacity for rendering it was easily ascertainable,—viz., that kind to which the possession of property was both necessary and sufficient, and accordingly the natural result was that this was taken as a standard for the division of the citizens into different classes according to the amount of their property, and for the determination of their services on the one hand, and their privileges on the other. This is the principle of timocracy; but there were certain kinds of service for which something else was requisite beside the possession of property, and something too which had no necessary connection with it, which might even exist without it, and in which the poor might often exceed the rich. These consisted in correct insight and bravery and other personal qualities which may be all included under a general conception of fitness or virtue, of *ἀρετή* in the Greek meaning of the word. Now, to exclude the virtuous citizen merely on account of his poverty, or to prefer the less virtuous merely on account of his wealth, is a manifest contradiction of the rational principle of democracy. It follows that a pure and exclusive timocracy is not the most just, and is all the more exposed to deterioration into a highly unjust oligarchy in proportion as it affords the means to the rich of placing themselves in the exclusive possession of power, and of administering the commonwealth, not in the interest of the general good, but in the one-sided interest of their own class. On this account a distinction was made by wise legislators between that kind of participation in the government and administration of the state which required a certain property-qualification and a degree of capacity which was usually associated with this, and

[1] Arist. *Pol.* v. 1. 7.

that in which this did not exist. The former they bestowed only on the citizens belonging to the higher property classes, while the latter was only granted by members of the lower classes, and only those were excluded in regard to whom, from their insufficient property, it could not reasonably be expected that they could acquire such a measure of culture and personal fitness as to enable them to participate in the government and administration. That exceptional cases might occur which contradicted this presumption they were certainly not unaware, but they recognised the fact that the wise legislator must guide his conduct by the rule and not by the exceptions. The question, however, arose in what way those were to be discovered who possessed the requisite qualities. The ancient legislators were of opinion that the only feasible course was to leave the decision in the hands of the people itself, as to which of its fellow-citizens it considered the worthiest and fittest to administer the affairs of the commonwealth; for they presumed that the collective judgment of the community would not be altogether likely to form a wrong conclusion on the subject.[1] They expected, however, that the people, if it elected its own superior magistrates, would be likely to render them ready obedience, while if they were imposed upon it by others, that they would feel themselves reduced to servitude, and look upon their superiors with distrust and jealousy.[2] Now, even supposing that they were correct in this opinion, nevertheless, the presumption could only hold good so long as the people continued on the whole harmless and well-disposed, and obeyed the dictates of circumspection and rational consideration rather than of caprice and passion. When this was not the case, the consequence was that popular election gave the preference, not to the worthiest citizens, but to those who made most concessions to the inclinations and desires of the capricious and passionate populace, so that the demagogues, as they were called, or those who had the art to win over the people to themselves and to guide its decisions, easily succeeded in gaining an influence over the affairs of the commonwealth, which by their actual fitness and services they by no means deserved. This influence they proceeded to abuse, and to throw down all those bounds which the constitution had set up against them and their associates. By this means they introduced that kind of democracy which Polybius has rightly described as ochlocracy, or the constitution in which, with no proportionately graduated distinctions of privilege, everything was without

[1] Arist. *Pol.* iii. 10. 5.

[2] *Ib.* ii. 9. 4.

exception open to all, and decisions made respecting everything mostly in accordance with the actual decrees of the multitude. This was the constitution which was described by Alcibiades as pure unreason,[1] and over which all the intelligent critics of antiquity have with one voice pronounced the condemnation it so well earned. Great as was the difference between the moderate and rational and the absolute or irrational forms of democracy, the one striving actually to realise aristocracy in the true sense of the word, and the other veering round into cacistocracy, there were yet not a few forms and institutions which the two preserved in common, though they might be differently modified and applied in the two cases. In order to describe the features of both more precisely, it will be convenient to put forward separately the most noteworthy of these institutions, and to point out their use and application both in the moderate and the absolute democracy.

First of all, then, the sovereign legislative power, which, in the last resort, deliberated and determined upon the most important matters of the State, is in both forms assigned to the general assembly of the people, which, however, is itself presided over and directed by a smaller preliminary assembly or State council (*βουλή*).[2] The right of voting in the assembly was possessed by every adult citizen who had not been punished for some misdemeanour with the loss of his civic rights. We find no instance in Greece of the vote being taken according to classes or other subdivisions, as was the custom in Rome; but apparently, in every case, the votes of all, without any distinction, were counted together.[3] The form of voting was usually cheirotonia, or show of hands; only in special cases were the votes taken by means of stones, tablets, or the like. Before the division debates were allowed, nor was any distinction known similar to that in Rome between Contiones and Comitia, except that, in the case of certain subjects, the debate and the division took place in separate assemblies. It has also been noticed by Cicero[4] as a characteristic peculiarity of Greek assemblies that the people did not stand, as at Rome, but sat. After the subject of debate had been proposed by the council which directed the assembly, every citizen was allowed to express his opinion, although in the moderate democracy the older citizens were permitted to speak

[1] *ὁμολογουμένη ἄνοια*, Thuc. vi. 89.

[2] Arist. *Pol.* vi. 5. 10.

[3] Niebuhr, *Lectures on Ancient History*, iii. p. 281, represents the people in Athens as voting by Phylæ, as it did in Rome by tribes. But this, as far as we know, was only the case in ostracism; in other business we find no trace of it.

[4] *Orat. pr. Flacco*, c. 7, § 16.

first, and then the younger. Nothing was allowed to be submitted to the assembly on which the council had not previously formed a decision. This decision was then laid before the people for their acceptance or rejection, and amendments and additions to it were admissible, or even entirely contrary motions. Motions of this kind, which were called forth by a decision placed before the people by the council, might no doubt be made by every citizen without further notice; all other proposals were obliged, in moderate democracies, to be previously laid before the council, and were then submitted to the people either with its recommendation of acceptance or rejection, or in some cases even without this addition. In absolute democracies, however, these restrictions were not endured, and proposals were laid before the popular assembly without any preliminary examination by the council. The subjects upon which the popular assembly was privileged to decide[1] were principally the elections of magistrates and the inquiry into their conduct during office, without both which prerogatives the people, in Aristotle's opinion, were either reduced to servitude or filled with a hostile spirit towards their magistrates. Further, they passed resolutions concerning peace and war and legislative measures of general importance. There was, however, a distinction between moderate and absolute democracy, in that in the former the more special details of the measures demanded in each department of the administration were left for the council and the executive magistrates to determine on their own responsibility; while in the latter everything was, if possible, brought before the general assembly of the people.[2] Hence, while in the one case these general assemblies were not frequently held, in the other they were of continual occurrence; and, in order that the people might be able to meet in as large numbers and as often as possible, a sum of money was paid to those present as a salary or remuneration,—a course which was not pursued in moderate democracies, where, in consequence, the assemblies were not usually attended by too large a number of the lower and poorer classes.[3] In many States, too, registers were kept in which each citizen who was entitled to attend the popular assembly, and wished to make use of his privilege, might have his name enrolled, after which, however, he was legally bound to be present, and subject to punishment if he neglected that duty.[4]

---

[1] Arist. *Pol.* iv. 11. 14.
[2] *Ib.* iv. 12. 9, vi. 1. 9.
[3] *Ib.* iv. 5. 5.
[4] Arist. *Pol.* iv. 10. 7, 8. A similar regulation was prescribed by Plato (*Legg.* p. 764) for his model State. As

The effect of this was, that as long as no pay was given, and therefore, in moderate democracies, the poorer classes, who could not easily afford the necessary expenditure of time, omitted to have their names enrolled, and thereby relinquished the right itself; whereas in absolute democracy, where the masses were attracted by the pay, the wealthier citizens, to whom this was no inducement, often entirely absented themselves from the assemblies in which they saw no prospect of exercising any influence,—a tendency which was increased by the absence of any punishment for their non-attendance. With regard to the preparatory Board or Boule, it was a common feature of both kinds of democracy that it was not, like the council or gerousia in oligarchies, appointed for life, but for a definite time. This, in moderate democracies, was a year at least, though in others it was even less, as, *e.g.* six months.[1] The appointment was made in the former case by election, or if by means of the lot, at least in such a manner that only certain categories of citizens were eligible according to property; whereas, in absolute democracy, each citizen, whose character was free from reproach, might become a member. The competence of the Boule was more extensive in the former than in the latter, since the rule was not only strictly maintained that nothing could be submitted to the popular assembly without the previous deliberation of the Boule, but also many departments of the administration were put entirely under its control; whereas in the other little or nothing was left to its independent management, and even its preliminary sittings were often dispensed with. In both cases the Boule was responsible for its conduct in office, though remuneration was only received by it in the extreme form of democracy.

With regard to the magistrates, absolute democracy is distinguished from the most moderate kind, first of all, in the manner of appointment, since it introduced, if not in the case of all, yet in as many as was possible, the lot in preference to election, in order to secure more certainly the possibility of success for all without distinction.[2] However, in some instances the lot was introduced in order to place a limit to the electioneering intrigues of candidates, as Aristotle states was the

---

would be expected, no mention is made by him of any payment for attendance at the assembly. That belongs to the 'cement of democracy,' as Demades (Plutarch, *Quæst. Græc. Plat.* x. 4) calls the Theoric fund.

[1] Cf. Böckh, *Corp. Inscr.* i. p. 337.

[2] Plat. *Republ.* viii. p. 557 A; Arist. *Pol.* vi. 1. 8. It has already been remarked (p. 146) that this mode of appointment also appears in oligarchical States.

case at Heræa in Arcadia,[1] and this might therefore occur where no extreme democracy existed or was designed. Thus Diocles, the Syracusan legislator, who, from all that we know of him, was averse to any such government, nevertheless introduced the lot.[2] The institution itself, too, appears less important since, in the first place, it was not every one, without distinction, who was admitted to the lottery, but only certain classes or special categories; and since, in the second place, after the lot an examination was held, by means of which it was possible to set aside unfit or unworthy persons. These examinations were, it is true, also instituted in extreme democracy, but here it was wellnigh impossible for their strictness to be maintained. Limitation of the tenure of office to a shorter time than a year may in all probability be generally regarded as a sign of advanced democracy,[3] which, on the one hand, wished to secure office to as many as possible, and, on the other, not to commit authority into their hands for any length of time. For the same reasons it willingly appointed numerous boards for the administration of one and the same department of business, in order that the power might be shared among many holders. The official power of the magistrates was certainly in every case defined by a subject to the law; but in moderate democracy, within the legal sphere, some room for free and independent action was left them, whereas, in the other, they were subjected in this respect to manifold restrictions, since the people mixed itself up even in the details of the administration, and, instead of leaving the necessary regulations to the magistrates, itself interfered without regard to the laws.

The judicial power was in both forms exercised by panels of jurymen, who were appointed in large numbers from the whole body of citizens. A fixed property qualification was apparently nowhere required, or at least no instance of it is known to us. It was sufficient that the character should be free from reproach and the age mature, the limit in this respect being probably, as we may assume from the instance of Athens, the thirtieth year. Whether the appointment was in any case by election, or whether even in moderate democracy it was decided by lot, it is impossible to ascertain, though we learn that some precautions were attempted, to prevent the judicial office from falling chiefly into the hands of the masses, that is to say, the poor and uncultivated classes. One of them was that the juror should receive no remuneration for his trouble—an arrangement which of itself deterred those classes from coming

[1] Arist. *Pol.* v. 2.
[2] *Diodor.* xiii. 45.
[3] It did, however, also occur in oligarchy.

forward—another that registers should be kept, like those for the popular assemblies, in which every privileged citizen might have his name inscribed, after which, however, he was under an obligation not to absent himself from the business, when called upon, an obligation which the poor, as no remuneration was given, were loath to undertake, and therefore preferred not to enter their names.[1] Aristotle relates of Charondas that he imposed heavy punishments on the rich when they neglected their judicial functions, and much lighter ones on the poor, who in other systems were sometimes exempt from punishment altogether. Whether in this case we may assume the employment of the registers mentioned above is uncertain. We may regard it, however, as a universal principle that though the jury courts were placed under the presidency of magistrates, these were intrusted with little else than the preliminary arrangements and the formal drawing up of the case, while the sentence and the imposition of punishment belonged solely to the jurymen. In moderate democracy only were the magistrates allowed to a certain extent the privilege of forming decisions and imposing punishments, although even here an appeal was allowed from their judgment to the jurymen. We must add that the range of subjects which were submitted for the decision of the courts was very large, and extended not merely to private suits or the crimes committed by private citizens, but also to the official administration of the magistrates, who were brought before them to render in their accounts, and in Athens, as we shall see below, and probably also in other places, even to the decrees of the popular assembly, which might be opposed before them as illegal, and abrogated by their judgment, whereas conversely it frequently happened in extreme democracies that the assembly took upon itself the trial of crimes, instead of leaving them to the courts.

Since all democracy aims at legal equality, whether this is conceived of as absolutely without distinction or only as relative, it follows from this principle that it is bound as far as possible to counteract the inequality in external relations which may offer inducements for exaggerated claims, and provide means for their satisfaction at the expense of the rightful equality. Even moderate democracy accordingly seeks to take precautions against the excessive accumulation of wealth by individuals, which it is true could only be carried out in the case of the so-called *φανερὰ οὐσία* or immoveable property.[2]

[1] *Arist. Pol.* iv. 10. 6, 7.

[2] This is at least the predominant signification of the expression, although it is sometimes used in a more general sense of all property of every kind which was not concealed. Cf. Isocr. *Trapes*, § 7.

Particular legislators established a certain measure of landed property beyond which no one was allowed to hold land, as Solon did at Athens according to Aristotle's account,[1] and we learn that the neglect of some such law at Thurii, where the rich bought up large estates, was the occasion of a rising among the people, by which the former were compelled to part with all that they possessed over and above the amount permitted by law.[2] On the other hand, we find no trace in democracy of precautions against the alienation or minute subdivision of estates, such as were found advisable in oligarchies, the reason being no doubt that such restrictions on the free right of disposition of property appeared to be an infringement on liberty. It is true, however, that in the timocratic graduation of political privileges we find preference shown to landed property above other kinds of wealth, the object of which was that no one might be ready to part entirely with this kind of property, since to do so involved the loss of a portion of his consideration as a citizen.[3] We have already remarked, however, that an agricultural population appeared most desirable to the ancient politicians, and landed property the most secure basis of a solid commonalty, and the preference so shown is for these reasons thoroughly in harmony with moderate democracy. The extreme form, on the other hand, never hesitated, when it gained the upper hand, undisguisedly to deprive the rich of their property, to distribute their estates among the people, and to release debtors from their liabilities to their creditors; nay, at Megara on one occasion the latter were compelled even to refund to their debtors the interest which had been paid.[4] But even, apart from such violent proceedings, there were means enough of bringing down the rich by transferring to their shoulders the public expenditure, and not only that required for actual State necessities, but much of a superfluous nature for the amusement and maintenance of the people, while the poorer classes claimed for their own personal use on all kinds of pretences a large portion of the State revenues.[5]

As another result of the principle of equality, we may notice the measures by means of which individual citizens, who from any cause had attained too great a pre-eminence over the rest, and thus presented a possible danger to the freedom which depended on equality, were removed from the State

---

[1] Arist. *Pol.* ii. 4. 4; cf. vi. 2. 5.
[2] *Ib.* v. 6. 6.
[3] *Ib.* vi. 2. 5, 6.
[4] Plutarch, *Quest. Græc.* no. 18; cf. generally Isocr. *Panath.* § 259; Plato, *Legg.* iii. p. 684.
[5] Cf. the work of Xenophon on the Athenian State, i. 13.

for so long a time as was judged necessary, to destroy their influence and to put the danger aside.[1] Measures of this kind were applied at Argos, Megara, Syracuse, Miletus, and Ephesus, though the best known instance was at Athens, where it will be described later on. We can only remark here that not only in a democracy, but in every form of government, it was usual for measures to be taken by which the power of doing harm might be removed from those who threatened to become dangerous to the existing order of things. The tyrant removes all who stand in the way of his sovereignty, oligarchy all those who endanger the constitution,[2] while the democratic manner of proceeding is only different in this, that the people, as the sovereign power, pass the measures, and that therefore the discussion on the subject is a public one, while the resolution can only be passed when an overwhelming majority is convinced of the necessity or advisability of the step; and, what deserves especial notice, that the procedure showed more forbearance towards the persons affected, than was usually the case either in tyranny or oligarchy. For while these preferred entirely to remove the dangerous person, democracy contented itself with his temporary banishment, without inflicting further injury upon him. The originators of this mode of procedure no doubt recognised the fact that in free states like theirs, whose existence essentially depended upon the voluntary obedience of the citizens to the laws and magistrates, it would prove an easy matter to men of preponderating influence to create a party for themselves, by the assistance of which they might be able to raise themselves above the laws. In order to escape this danger and to prevent the otherwise unavoidable confusion of party-struggles, they could find no better plan than temporarily to banish from the State those men from whom the danger was apprehended, in times when this could be effected without the fear of violent opposition. That this was the leading idea in which the institution originated can no more be doubted than it can be denied that, once introduced, it was not invariably applied in accordance with this idea, but was in many cases abused and made the instrument of chicanery: or that these abuses were liable to occur much more easily in extreme than in moderate democracy.[3] Even in the latter, however, they were quite possible, as the well-known in-

[1] Arist. *Pol.* v. 2. 4.
[2] *Ib.* iii. 8. 2-4.
[3] Cf. what Diodorus (xi. 87) says concerning the Petalismus, which existed for only a short time in Syracuse.

stance of Hyperbolus at Athens shows; and since the method thus proved itself to be no longer adapted to its peculiar object, we cannot wonder that it was henceforth entirely given up, especially since other means were not wanting by which to prevent a dangerous degree of influence in the State. The most effectual of these was the judicial power placed in the hands of the multitude in conjunction with the facilities which were afforded by the judicial system of bringing every suspected person legally before a court, and of rendering them harmless by sentences involving penalties, confiscation of property, banishment from the State, or even loss of life. Nor was there, we may be sure, any lack of zealous ministers to carry this measure diligently into execution. There were plenty of persons to be found who were proud to describe themselves as the watch-dogs of the people,[1] because they kept guard over its security, and who willingly acquiesced in the sovereignty of the people, because through it alone were they tolerated and raised to power, and because they enjoyed a consideration and influence, which they would have been unable to gain under any other constitution. For consideration and influence, it must be remembered, were the reward of actual merit only in those constitutions which had an aristocratical character, and this was only the case in a democracy, as long as an intelligent and upright body of citizens understood the art of rightly employing their freedom. Extreme democracy was far removed from any such aristocratical character, arising, as it usually did, only in States where a numerous town-population, or, to use the expression of the ancients, a manufacturing and sea-faring rabble, consisting of inferior artisans and sailors, had the upper hand. In such a community true merit was rarely appreciated, while all the greater opportunity was afforded to those arts and qualities which are calculated to flatter the passions and corrupt the judgment of the people. It was in artifices of this kind that popular oratory for the most part consisted in Greek democracy. After the commencement of the fifth century these arts were reduced to a systematic form by the Sophists, and henceforward became so indispensable a requirement that, without some help from them, even a good and just cause was unable to obtain the approval of the public, while it too often happened that by their aid victory was secured for causes which were themselves bad and unjust. Next to the popular

[1] (Demosth.) *contr. Aristogit.* i. § 40; Theophr. *Charact.* 31. 3, p. 35, Ast. Informers are also compared to dogs by Cicero, *Pro Sexto Roscio*, § 55.

assemblies in which fluent demagogues guided the decisions of the multitude, the courts of justice furnished oratory with its most influential sphere of activity, and the tribe of Sycophants arose, the so-called watch-dogs of the State, who made it their especial business to accuse and prosecute those persons, generally the rich, whose position and behaviour were calculated to excite suspicion in the people. The judges, too, on their part, being men taken from the people, were usually only too inclined to find the accused parties guilty, and to impose penalties, the profit from which fell to themselves and their fellow-judges.[1] The wise Socrates himself on one occasion had no better advice to give to a rich man whose only wish was to live in tranquillity, without interfering in State affairs, but who was nevertheless harassed by Sycophants for the sake of his wealth, than to retain some fluent speaker always ready at hand, who, on his side, might attack the Sycophants, and by the exposure of their own dishonesty deter them from further interference with his employer.[2]

CHAPTER XIII.

REACTIONS AND PARTY STRUGGLES.

AGAINST such a condition of things it is perfectly conceivable that an opposition would form itself composed of all those who suffered under it. But all suffered more or less who were superior to the mass of the sovereign people, either through greater prosperity or higher culture, and apart from the injuries and mortifications to which they were exposed, it must have been felt as an act of injustice that they were not only placed on a level with, but even subordinated to, persons to whom they felt themselves superior in everything which could found a claim to participation in the government and administration of the commonwealth. From this cause there naturally arose in all these democracies certain factions, hostile not to the State, but to the constitution. It was no longer a question of noble birth and the claims founded thereon; whatever remains still existed of this nobility had lost themselves among the number of those

[1] Cf. *Lys. in Nicomal.* § 22; Epicrat. § 1.

[2] Xen. *Mem.* ii. 9.

who, as the displaced minority (*οἱ ὀλίγοι, τὸ ἔλασσον*), the wealthy classes (*οἱ εὔποροι, οἱ πλουσιώτεροι*), or the cultured or well-bred classes (*οἱ ἐπιεικεῖς, οἱ καλοὶ κἀγαθοί*) put themselves in opposition to the Demos or multitude (*τὸ πλῆθος, οἱ πολλοί*). That they should have wished to put an end to the popular government in the form it had assumed is both intelligible and excusable, and equally so, that being incapable of effecting anything in isolation, they should have united to form clubs or Hetæriæ, and pursued those interests by a judicious and organised co-operation. Associations of this kind are no doubt natural in every State where the citizens take a lively interest in public affairs, and have the opportunity of taking part in them, and indeed exist everywhere where they are not hindered by the suspicion of a despotic State police. In Greece they were as old as the free States themselves, and pursued democratic tendencies as frequently as the contrary, and indeed were often not even directed against the existing constitution, but only desired to support their members in all ways and by all means which the constitution allowed, as *e.g.* in the candidature for office, and in legal proceedings before the courts.[1] Under conditions however like those which we have described as existing in absolute democracy, they did pursue a definite direction in which they strove to effect the fall of the constitution, and took the character of secret conspiracies and machinations. When once matters had arrived at this point, there was no longer much hesitation or conscience displayed in the choice of means. Hatred against the unbearable condition of things in the State became stronger than the love of fatherland, and no shame was felt even at seeking assistance from foreigners and enemies, and this at the price of the independence of the State, because it always appeared more bearable to occupy the first place in a dependent State than to live oppressed by the ruling multitude in a free community. The popular government, however, and its leaders kept all the more suspicious watch over all in whom they perceived the possible enemies of their government, seized every opportunity of removing or rendering them harmless by judicial sentences, and, on the other hand, sought to strengthen themselves by the aggrandisement of the masses, since it was the masses alone on whom their power depended. Hence it is characteristic that while in moderate democracy the possession of civic rights was regarded as an honour, only belonging to the genuine children of the fatherland, and carefully to be preserved against

[1] *Συνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*, Thuc. viii. 54.

all pollution caused by spurious or foreign blood, in the extreme form, on the other hand, they were lavishly bestowed, sons of citizen-mothers, for example, being regarded as citizens, even if the fathers were aliens, and all sons of citizens, even if they were not born in legitimate marriage,[1] while protected aliens and freedmen were readily admitted to the same position.

The spectacle of an unlimited democracy on one side, and a struggling reactionary minority on the other, is afforded us by the history of almost every Greek State after the disastrous period of the Peloponnesian war. It followed from the nature of these conditions that in this struggle, which nearly divided the whole Greek nation into two hostile parties, those who were disposed towards democracy sided with the Athenians, as the chief representatives of the democratic principle, while oligarchical States saw themselves naturally drawn to Sparta, which found its interest to consist in everywhere counteracting democracy. It cannot be denied that exceptions to this existed, but they arose out of temporary relations, sometimes even out of personal motives, as when towards the close of the Peloponnesian war[2] the Spartan king Pausanias favoured the democratic party in Athens against the oligarchy, which was supported by Lysander. These particular exceptions, however, do not disprove the rule, and it is justly remarked by the author of the treatise on the Athenian State that, as often as the Athenians were misled into supporting oligarchy in any State, they soon found cause to repent it.[3]

The party struggles which blazed up at each alternation of fortune in the war produced a continual oscillation in the States from one form of constitution to another, according as the oligarchs or democrats gained the upper hand, and the party which was for the time victorious used its superiority in the most reckless manner, in order where possible to render their enemies harmless for the future. Party spirit became a power stronger than every other human feeling and every dictate of morality. Assassinations of opponents *en masse*, sometimes with the most revolting cruelty, were usual occurrences, and the demoralisation which Thucydides, after narrating the horrible atrocities committed by the victorious democrats at Corcyra,[4] describes as the universal consequence of these struggles, reached such a pitch that we are forced to allow that

---

[1] Arist. *Pol.* iii. 3. 4, vi. 2. 9.

[2] Xenoph. *Hell.* ii. 4. 29. This was at a later time partly the cause of his condemnation in Sparta, *ib.* iii. 5. 25.

[3] Xenoph. *de rep. Athen.* 3. 11.

[4] Thuc. iii. 81 *seq.*, iv. 47, 48.

a race of men among whom these excesses were possible, must have been without every principle of a truly free, just, and well-ordered State life.

The ultimate victory in this war fell to Sparta, and the consequence was that in every State the democracy which had prevailed under the presidency of Athens was put down, and an oligarchical government established, oligarchical indeed in the worst sense of the word. Administrative boards were set up, composed of a few members, usually ten—hence called Decarchies—and these not the worthiest or the most illustrious citizens, but the most zealous partisans, the supporters and favourites of the conqueror,[1] men who recognised no other object than the interest of their party, and had no other support for their power than a military garrison under the command of a Harmost appointed by Sparta, under whose protection they indulged in every kind of abuse. As an example of this unbridled oligarchical spirit we may cite the account of Theopompus[2] with regard to the government at Rhodes. They violated many noble women of the first families, they abused boys and young men with their unnatural lust, and they even went so far as to play at dice for the possession of free-born women, the losing party pledging himself to make over to the winner any woman whom he fancied under any condition, whether it were by violence or persuasion.

It was impossible that a condition of things like that established by Lysander could be of long duration. When, however, under Agesilaus, at a later time, a check was placed upon the confusion caused by the persons whom he had raised to power, the oligarchy nevertheless remained supreme, and the discontent of the people eagerly seized on every opportunity of freeing themselves from it. When the strength of Athens revived, the old party struggle immediately began afresh, and with equal bitterness. An example of the treatment shown by the people to its enemies is afforded by the events at Corinth where, on the occasion of a festival, when a numerous multitude had collected in the market and theatre, at a given signal armed men fell upon the suspected parties and cut them down at the very altars and statues of the gods, whither they had fled for refuge.[3] At Argos again, the people, on the denunciation of the demagogues, instead of condemning the

---

[1] Plut. *Lysand.* c. 13.

[2] In Athenæus, x. p. 444 E; C. Müller, *Fragm. Hist. Græc*, i. p. 300. The account doubtless has reference to a somewhat later time, though it may nevertheless be adduced here.

[3] Xen. *Hell.* iv. 4. 2, 3.

accused by a regular trial, murdered them *en masse*, together with a multitude of suspected persons, to the number of 1200 of the richest and most illustrious citizens, after the manner of the Parisian Septembriseurs—a deed of blood which, from the clubs with which they struck their victims down, was called the Scytalismus.[1] We must add, however, that the people themselves afterwards regretted this outrage, and punished the instigators of it with death, after which tranquillity was for a season restored. Some evidence, however, may be given of the disposition of the oligarchs from Aristotle's[2] statement that in their Hetæriæ they bound themselves by an oath to be hostile to the Demos, and to injure it to the best of their power, or from what we read elsewhere of the monument which was erected to the Athenian Critias by his friends, and on which a figure appeared representing Oligarchy, who, with a torch in her hand, is burning Democracy, while the inscription below was as follows:—"The memorial of gallant men who once at Athens deposed for a space the cursed Demos from its mischievous rule."[3] In such a disposition of parties, and with the unceasing alternation with which first one and then the other party rose and fell, it was a fortunate fate for the conquered, when they succeeded in escaping the revenge of their victors by flight, or when these remained content with their banishment instead of their murder. It is almost incredible to what an extent these banishments were resorted to. Even at an earlier period Isagoras in Athens had expelled 700 families.[4] After the Peloponnesian war the whole Demos at Samos which had hitherto had the State under its control, was forcibly exiled, and the island left clear for the previously banished oligarchs,[5] while some years later Isocrates complains that there were more exiles and fugitives from a single State than there had been in ancient times from the whole of the Peloponnese.[6] These exiles would naturally seek, where it was possible, by mutual co-operation and the addition of foreign help, to effect their return home by violent means, though for the most part their only means of support consisted in banding themselves together under the leadership of some condottiere, and taking mercenary service in the wars of any State which was in immediate need of a military force, and able to pay for it. The citizens of the Greek States, however, were in this period

---

[1] Diodor. xv. 57, 58.
[2] Arist. *Pol.* v. 7. 19.
[3] Schol. to Æschin. in Timarch. 39, p. 15 of the Zürich edition.
[4] Herod. v. 72.
[5] Xenoph. *Hell.* ii. 3. 6; Plut. *Lysand.* 14.
[6] Isocr. *Archidam.* § 68.

always more inclined to allow their wars to be fought out by mercenary soldiers than to bear arms themselves, and it was far easier to bring into the field a large and efficient army of homeless strangers than of citizens.[1] What had formerly occurred in isolated and exceptional instances had now become the rule. Mercenaries no longer formed an auxiliary corps by the side of the citizen soldiers, but became the principal support of the power of the State. Many a bold and skilful party-leader succeeded in obtaining for himself the supreme power through the assistance of these mercenaries, whom he had the art to gain over to himself. In this manner, *e.g.* at Corinth the sovereignty was usurped by Timophanes, who, however, after a few days, was made away with by his own brother Timoleon and a party of friends.[2] At about the same time Euphron, the demagogue of Sicyon, obtained possession of the government in the same way, though he too was soon afterwards overthrown.[3] Other tyrants are mentioned, though without special details, in many States, so that the later stages of democracy, when it had reached its uttermost limit, like the period of oligarchy at an earlier date, were succeeded by an interval of despotic rule. This later tyranny, however, was related to the earliest kind as a malignant disease is to the natural pains of growth, and while the latter originated in a certain need, and had hence in every case tended to remove obsolete conditions, and afford space for new developments, the former proceeded simply from a general dissolution and degeneration, and without having any kind of beneficial effect upon the State,—merely ministered to the interests and enjoyments of the despots and their partisans. Few, moreover, of these were capable of maintaining for long the power which they had obtained by boldness, intrigue, or good fortune. Dionysius alone succeeded in Sicily through the attachment of his soldiers, the reckless but judicious employment of violent measures, and his own military ability not only in maintaining himself for thirty-eight years, but also in handing down the government to his son, who, in the absence of those qualities which had preserved his father, was, after a short time, overthrown. Then after a short interval of freedom, for which this people was no longer adapted, they submitted to another tyrant in Agathocles, who likewise, after a brief interruption, was succeeded by several others. In Greece no tyranny continued so long. Those which arose there, supported sometimes by con-

[1] Isocr. *Epist. ad Philipp.* § 96.
[2] Plutarch. *Timol.* c. 4.
[3] Xenoph. *Hell.* vii. 1 ; 44-46.

nection with foreign powers, such as Persia or Macedonia, and maintained as long as they appeared serviceable to them, were none of them long-lived. With the exception, however, of the brief bloom of the Achæan and Æolian Leagues, freedom and independence can hardly be said to have existed in any States. Even those which were not directly subject to foreign princes were yet exposed to their powerful influence, until at last Rome drew Greece within her circle, and at least a season of tranquillity succeeded, which allowed the exhausted and decrepit peoples, if not to rise to fresh and vigorous life, yet to vegetate under a government which was in general not oppressive, and even here and there to mature a second autumn bloom in the province of science and art. After this general description of Greek State-life, we shall turn now to the more particular consideration of those States, with regard to which we possess more detailed statements, which render it possible to furnish a more complete picture of them, at least for the principal periods of their existence. These are the Spartan, the Cretan, and the Athenian States, the two first belonging to the Dorian, the third to the Ionian race, and all representing in the form and conduct of their political life the various characteristics which we have already assigned to these races in their most decided and most pronounced degree.

PART III.

Description of the principal States in detail.

CHAPTER I.

THE SPARTAN STATE.

THE foundation of Sparta occurred in the period immediately succeeding the Dorian migration. Tradition reports that, after the Dorians had successfully established themselves in the Peloponnese, their leaders, Temenos, Aristodemus, and Cresphontes, the three brothers of the race of Heracles, cast lots for the possession of the several districts. Argolis fell to Temenos, Messenia to Cresphontes, Laconia to Aristodemus.[1] No one will be misled by this tradition to believe that the three districts, which were at a later time included under these names, were completely conquered all at once. Their subjugation was rather accomplished by degrees during the course of several centuries, and even the boundaries of these countries, as we find them in the historical period, were first defined at a much later time. With regard to Laconia, we know for certain that for a considerable period the entire eastern coast southwards, as far as Cape Malea, was not included in it, but was in possession of the Argive Dorians, from whom the Spartans conquered it bit by bit, and which they do not appear to have permanently occupied before the middle of the sixth

[1] The national Laconian tradition was that Aristodemus himself took possession of Laconia.—Herod. vi. 52. Others relate that he died before reaching the Peloponnese, leaving two youthful sons, to whom Laconia was assigned in the partition.—Apollod. ii. 8; Pausan. iii. 1. 5.

century.[1] At the time of the Dorian immigration there was probably as yet no country bearing the name of Messenia, at least certainly not in its later extended sense.[2] For the western portion, together with southern Elis or Triphylia, formed part of the Pylian territory of the Nelidæ, while most of the eastern portion belonged to the Lacedæmonian kingdom of the Pelopidæ, from whom, however, it was forcibly taken about the time of the Dorian migration by Melanthus, a prince of the former dynasty,[3]—a circumstance which no doubt assisted the Dorians when they appeared, by bringing them allies even from among the inhabitants of the land, who helped them to overthrow the dominion of the Nelidæ. The Dorians of Aristodemus, however, pressed forward into that part of the realm of the Pelopidæ which lay farther eastward, beyond Taygetus, and, following the course of the Eurotas, established themselves at Sparta, which at that time had less claim to be considered the capital of the Pelopidæ than the neighbouring town of Amyclæ,[4] which was distant from it not more than twenty stadia, or about two and a half miles. From this base of operations they gradually succeeded in reducing the whole country to a state of dependence, assisted in all probability by existing political relations. For we may confidently conjecture that under the Pelopidæ the whole land was not combined into a single, well-defined State; but that, more probably, other princes in a position of vassalage, recognising them as their overlords, bore rule in the different portions of the country,[5] as is said to have been the case in Attica before the reign of Theseus. When therefore the Dorians succeeded in overpowering this supreme Pelopid king—who at that time, we are told, was Tisamenus, the son of Orestes—the other princes, instead of trusting the decision to an uncertain struggle, would naturally prefer to come to a peaceful settlement, and to occupy, in relation to the Heracleid kings, a position similar to that in which they had stood to the Pelopidæ. I can discover no substantial reason for regarding as a pure fabrication the statement of Ephorus[6] that at that time the land was divided into six districts, whose capitals

[1] Herod. i. 82; cf., however, L. Schiller, *Stämme und Städte Griechenlands*, ii. 5, 22, and iii. 9. At a still later period there was a contest between Sparta and Argos for the possession of Cynuria, the most northerly portion of that line of coast.

[2] In *Od.* xxi. 15, Messene is the region round Pheræ, as appears from iii. 488; cf. Strab. viii. 5, p. 367.

[3] Strab. viii. p. 359.

[4] Cf. Müller's *Dorians*, vol. i. p. 106, Eng. tr.

[5] Cf. above, p. 32.

[6] In Strabo, viii. p. 364.

were Sparta, Amyclæ, Las, Ægys, Pharis, and a sixth, the name of which has been lost;[1] though I do not believe that this partition was first made by the Dorian conquerors, or that the princes were by them established in the several districts. They more probably found them there on their arrival, and permitted them to retain their dominions on condition of recognising the Heraclidæ of Sparta as their superior lords. The first to stand in this relation to them is said to have been Philonomus of Amyclæ, the same prince who by his treason had facilitated the conquest or expulsion of the dynasty of the Pelopidæ, and had received the government of Amyclæ as his reward.[2] The historical germ of the tradition is probably this: that in the district of Amyclæ a numerous party had severed themselves from the Pelopidæ and joined the Dorians. Among these we may particularly mention the Minyæ, who, according to trustworthy historical traces,[3] formed a considerable part of the population of that region, and to whom this Philonomus himself very probably belonged.

But, besides these, there were also in the same parts Cadmæan Ægidæ from Bœotia,[4] whose presence here was possibly the result of the conquest of their land by the Bœotians, who had migrated thither after their expulsion from Arne by the Thessalians. Now the Ægidæ are said to have been related by marriage to the dynasty of the Heraclidæ. Argeia, the wife of Aristodemus, is called a daughter of Autesion, who, again, was a scion of the royal house of the Cadmæans, of which the Ægidæ were one branch.[5] In these statements, although no one will be ready to maintain their literal truth, there is yet unmistakably a latent recollection of a union between the Heraclidæ and the Ægidæ of ancient date, and strengthened by intermarriage.

The Dorians, then, when they had once established themselves in a part of the land, trusting in their superior excellence in war, began gradually to convert the supremacy over the other kingdoms which had been conceded to their princes into an oppressive dominion, and to demand from them services which they were not disposed to yield without a struggle. No doubt, however, the Dorians raised these demands, not simultaneously against all, but as occasion and opportunity offered, first perhaps against those who were their nearest neighbours, or those whom it seemed most easy to subdue; and so it came

[1] Curtius, *Greek Hist.* vol. i. p. 158, Eng. tr., conjectures Boiæ on the east coast; others prefer Geronthræ.

[2] Strab. viii. 365; Conon. *Narrationes*, no. 36; Nicol. Damasc. in C. Müller's *Fragm. Hist. Gr.* iii. p. 375.

[3] Cf. Müller, *Orchomenos*, pp. 307 and 315.

[4] *Ibid.* p. 329.

[5] Herod. vi. 52; Pausan. iv. 3. 3.

about that in a series of contests they were all one by one overcome, until at last the Dorians became, without dispute, the sole rulers of the land, and the other races their subjects.[1] The last struggle for independence was maintained by the Achæans of Helus, and here the conquered experienced a harder lot than their kinsmen who had been subdued earlier. For while the latter, under the name of Periœci, only lost their political independence, and were bound to perform certain services for the conquering people, the former lost their personal freedom as well, and were reduced to the condition of serfs. From this event the name of Helots (*Εἵλωτες*) is said to have been applied to all those who, either before or afterwards, were reduced to this position of serfdom, although it must be confessed that this explanation of the name is not entirely free from doubt.[2] The population therefore of the Spartan State consisted of three different classes—the Dorian full citizens, the dependent Periœci, and the serfs or Helots. Our description of the State must be preceded by some consideration of the two latter classes, which together formed the substratum of the Doric citizen class. We will take the Helots first.

SECTION I.—*The Helots.*

The theory of certain modern inquirers,[3] that the Dorians on their arrival found a class of agricultural serfs in the land, consisting of its earlier inhabitants the Leleges, who had been subdued by the Achæans, though not altogether inconceivable, does at least contradict the most express statements of antiquity, according to which this kind of serfdom was first derived from the Thessalian and Dorian conquests.[4] We have already remarked above that no traces of it are to be found in the Homeric description of the heroic age.[5] But in the Spartan State after the complete reduction of Laconia, the serfs or Helots certainly formed a majority of the population,

[1] According to Pausanias, iii. 2. 5 *seq.*, the Spartans first subdued Ægys during the reigns of Archelaus and Charilaus, 884-827; next Pharis, Amyclæ, and Geronthræ, under Teleclus, 827-787; and finally Helus, under Alkamenes, the son of Teleclus. His meaning, however, doubtless is, not that the above-mentioned towns then fell for the first time into a state of dependence on Sparta, but that, having risen in insurrection, their inhabitants, after their subjugation, were either necessarily or in part degraded from the position of Periœci into that of serfs. This is implied in the expression *ἠνδραποδίσαντο*.

[2] Cf. *Antiq. juris publici Gr.* p. 108 *seq.*, and Schiller, *op. cit.* ii. 5. 19.

[3] *E.g.* Müller, *Dorians*, vol. ii. p. 31.

[4] *Vide* Athenæus, vi. p. 265; Plin. *H. N.* vii. 56, p. 478 Gr.

[5] See *supra*, p. 40.

and when Messenia also was conquered, and all its inhabitants, who did not emigrate, reduced with few exceptions to the condition of Helots, the total number may be estimated as at least 175,000, but as more probably 224,000,[1] while the entire population probably amounted to no more than 380,000 or at most 400,000 souls. After the battle of Leuctra the greater part of Messenia was again severed from Sparta, and all the Helots who inhabited it released. Soon afterwards, however, in about 241, the Ætolians, on the occasion of an inroad on Laconia, carried away with them no fewer than 50,000 men, of whom, though many were probably Perioeci, far the greater number must be regarded as Helots,[2] as to whom, indeed, it is more probable that they used this opportunity of desertion to exchange their serfdom for mercenary service with the Ætolians, than that they were carried off against their will. One of the old Spartans is said to have remarked on that occasion that the enemy had done good service to the State in lightening to it a troublesome burden. And true it was that this great multitude of oppressed subjects, who were held in obedience not so much by inclination as by fear, and by the difficulty of uniting for successful enterprises, were always an object of suspicious anxiety and careful supervision. We learn that a number of young Spartans were despatched every year by the Ephors, immediately after their entry into office, to the different parts of the country. They were to post themselves as secretly as possible in convenient places from which to explore the neighbourhood and to make observations. If they found anything suspicious they were either to report it or to suppress it themselves on the spot. This measure was naturally ordered with special reference to the Helots, and it was probably no infrequent occurrence that those who appeared dangerous were removed without further scruple—a circumstance which has induced later writers to represent this *κρυπτεία*, as it was called, as an annual institution by which the Helots were formally hunted down, or rather murderously destroyed—an exaggeration which is really too absurd to deserve serious confutation.[3] The Crypteia may be

[1] Cf. the calculations in Clinton, *Fast. Hell.* ii. 413, and Müller, *Dor.* vol. ii. p. 45; also Büchenschutz, *Besitz und Erwerb im Griechischen Alterthum*, p. 139.

[2] Polybius, iv. 34. 3, certainly says *ἐξηνδραποδίσαντο τοὺς περιοίκους* without adding any particular number, but Plutarch, *Cleom.* c. 18, who had other sources of information before him, says, *πέντε μυριάδας ἀνδραπόδων ἀπήγαγον*. So that the hesitation of Droysen, *Hellenismus*, ii. p. 388, may probably be put aside. Concerning the date, *vide* Schömann, *Prolegg. ad Plut. Ag. et Cleom.* p. xxxi.

[3] Barthelemy in a remark to cap. 47 of the *Anacharsis* has already con-

considered as to a certain extent a species of armed police-service, and the young men who were ordered to undertake it appear also to have formed a special corps in the army; at least in later times under king Cleomenes III. we find a commander of the Crypteia mentioned in the battle of Sellasia.[1]

But far worse than general precautions of this kind were particular measures which the fear of the Helots often occasioned. For example, in the Peloponnesian war, during the whole of which a considerable number of this class always served in the army, a proclamation was issued that all who claimed to have specially distinguished themselves should come forward in order to be rewarded by the bestowal of freedom. When about 2000 had presented themselves, they were adorned with garlands, conducted round to the several temples and solemnly declared to be free, but not long afterwards all were removed in some mysterious way, so that no one knew what their fate had been.[2] Similar occurrences, though not on the same scale, were probably not unfrequent. No means were considered indefensible for maintaining intact the dominion of a small minority over their far more numerous subjects. It was well known what was to be expected from the latter if a favourable opportunity should arise, for the Helots, as Aristotle says,[3] were continually lying in wait to take advantage of occasional disasters, and whoever cherished designs for the overthrow of the existing constitution, like king Pausanias in the Persian war, or like a certain Cinadon, shortly after the Peloponnesian war, could confidently count on the assistance of the Helots.[4] In other respects the legal position of this class was defined in such a way that for men, for whom a life of serfdom and menial service contained nothing in itself unbearable, their fate would have been tolerable enough, had it not been embittered by additional acts of injustice.

As peasants they had to cultivate the fields which belonged not to themselves but to their Spartan lords; on the other hand, they were bound to surrender only a legally determined portion of the produce, apparently about eighty-two medimni of barley,[5] and a quantity of liquid produce, consisting of wine and oil, the exact amount of which cannot be determined.

---

tradicted this perverted account of the κρυπτεία, and after him Müller in particular (*Dorians*, vol. ii. pp. 41, 42) has so strikingly confuted it that it is sufficient merely to refer to him.

[1] Plutarch, *Cleom.* c. 28. We shall also find an armed police force composed of the younger citizens among the Athenians.

[2] Thuc. iv. 80.

[3] *Pol.* ii. 6. 2.

[4] Corn. Nep. *Pausan.* c. 3. 6; Xen. *Hell.* iii. 3, 6.

[5] A medimnus is a little less than 12 gallons.

All demands upon them beyond this fixed standard were forbidden, and even laid under a curse, so that all their surplus profits were retained for their own sustenance.[1] We cannot, indeed, now form any estimate as to the extent of the estates from which these dues had to be deducted, or as to the number of Helots who lived on each,[2] but the manifest intention of the legislative authority was that the Helots, so far from being oppressed or reduced to want by these imposts, should, on the contrary, be placed in a prosperous condition. We have already seen in the case of the Thessalian Penestæ that some individuals among them were in better circumstances than their lords, and in the same way there is good evidence that many of the Helots acquired a certain amount of private property. When, for example, king Cleomenes III. offered their freedom to all who could pay five minæ, or about £19, 10s., no fewer than 6000 were found who raised the sum.[3]

But if the Spartan lord had no legal right to claim a larger contribution than properly belonged to him, still less had he the further privilege of disposing of the Helots according to his pleasure, as if they had been his slaves. He was allowed, it is true, to employ them for personal services to himself—a right which in case of necessity every Spartan citizen might claim, even from Helots not attached to his own estate.[4] This, however, is a point on which there were doubtless some more definite provisions, although no evidence on the subject exists. Certain it is that no one had the right to kill, to sell, to emancipate, or in any other way to alienate his Helots. They constituted an appendage inseparably bound to the estate which they cultivated,[5] and only the State authority possessed the right of emancipating them or of employing them in any manner which involved their separation from these estates; and with reference to this they are not incorrectly described by some ancient writers as the property of the State or public slaves,[6]—a description, however, which is completely appropriate only to those Helots who were settled not on the estates of particular individuals, but on the domain-lands of the State itself. That there were such may be affirmed with none the

[1] Plutarch, *Instit. Lacon.* c. 40.

[2] Müller, *Dorians*, vol. ii. pp. 33, 34, attempts a computation, which however, as it rests on very uncertain grounds, I will not here repeat.

[3] Plutarch, *Cleom.* c. 23. Metropulos (*Untersuch. über das Laked. Heerwesen*, § 34) disputes Plutarch's statement without substantial ground.

[4] Plutarch, *Comparatio Lycurgi cum Numa*, c. ii; *Instit. Lacon.* c. 10; Xenoph. *de republ. Lac.* c. 6. 3; Arist. *Pol.* ii. 2, 5.

[5] Ephorus in Strabo, viii. p. 365.

[6] Ephorus *loc. cit.*; Pausanias, iii. 20. 6. Others describe them as a middle class between freemen and slaves.—Jul. Pollux, iii. 83.

less confidence even though there is no positive evidence of their existence.

But the Helots were employed by the State not only in peace, but also in war. Sometimes they were attached to the Spartan hoplites as shield-bearers, whose duty it was to remain near them in battle, to carry the dead and wounded from the field,[1] and to supply the gaps which were made in the line;[2] at other times they fought as light-armed troops with slings and javelins; or, lastly, were employed for various purposes of a not strictly military character, such as the convoy of supplies, the raising of intrenchments, or the like. In the Peloponnesian war, when the Spartans maintained a considerable fleet, the Helots served on board as pilots, or even as marines (*ἐπιβάται*),[3] and in the course of the war it sometimes became necessary to march them into the field as hoplites. Thus seven hundred of them accompanied Brasidas to the Chalcidean peninsula; about three hundred were led by Agis to Decelea; and still later in the war with Thebes a proclamation was made to the Helots, inviting all to come forward who were willing to serve as hoplites, the promise of emancipation being offered as an inducement and reward,[4] in accordance with the universal rule that service among the hoplites was followed by the bestowal of freedom.

Out of the Helots, thus emancipated on account of military service rendered to the State, there grew up a separate class, the so-called Neodamodes, who are first mentioned in the period of the Peloponnesian war. In 421 B.C., the eleventh year of the war, their number appears to have been still small, for at that time they were sent out in company with the Helots whom Brasidas commanded in order to occupy Lepræon against the Eleans.[5] Nine years later, in 413, some Helots and Neodamodes, amounting together to six thousand, were sent under the command of Eccritus to Sicily. Again in 414 the force which accompanied Gylippus to Syracuse consisted only of Helots and Neodamodes, though their numbers are not recorded.

---

[1] Hence the names *ἀμπίτταρες* (*i.e.* *ἀμφίστανται*) and *ἐρυκτῆρες*. Hesychius, *s. v.* *ἀμπίτταρες*, and Athenæ. vi. 271.

[2] Pausan. iv. 16. 3, whose statement is clearly derived from Tyrtæus.

[3] Xenoph. *Hell.* vii. 1. 12. They were called *δεσποσιοναῦται* according to Myron, Athenæus *loc. cit.*, and Eustathius on *Il.* xv. 431. That they appear there to be emancipated is only due to an inexact expression, but possibly they were generally emancipated for their services.

[4] Thuc. iv. 80, vii. 19; Xen. *Hell.* vi. 5. 28.

[5] Thuc. v. 34. That the men so sent out were the whole body of the Neodamodes appears from the article (*μετὰ τῶν νεοδαμωδῶν*), which can only be explained in this way, since no mention has been made of Neodamodes before.

In 400 about one thousand Neodamodes fought under Thimbron in Asia, and Agesilaus undertook to carry on the war against Persia with thirty Spartiatæ,[1] two thousand Neodamodes, and six thousand allies. Subsequent to the period included in the History of Xenophon these Neodamodes no longer appear, and it is quite conceivable that the Spartans found it advisable to avoid the further extension of a class of men which had only been called into existence by the urgent necessity of war. A further question, whether those who were emancipated on account of military service were at once transferred into the class of Neodamodes, or whether, as some have thought,[2] the change only affected their children, it is impossible now to decide with any confidence, though the latter opinion rests on very slight foundations. It depends only on two passages in Thucydides,[3] where Neodamodes are mentioned in close connection with the emancipated Helots of Brasidas's army. From this however no wider conclusion can be drawn than that the mere fact of emancipation was not sufficient to convert Helots into Neodamodes, though it remains quite possible that the only further condition may have been that the emancipated person should settle in some district, and attach himself to a commune or guild. We find express permission granted to the Helots of Brasidas to dwell in whatever quarter they preferred, from which it is only a natural inference that this permission was not granted in other cases, but that rather a fixed place of residence was appointed, either in the towns of the Perioeci, or in villages situated on the State domains. Especial care was no doubt taken by the government to avoid the settlement of too many on the same spot. They were probably allowed, like the Perioeci, to carry on trades, to cultivate the ground as paid labourers or tenants, possibly even to acquire landed property on the estates of the Perioeci; or the State might provide for their support and subsistence in some other way. But on all these points no assertion can be made, because nothing is contained on the subject in our authorities. Only this much is certain, that they were not admitted to the rank of Spartan citizens, not even with partial privileges.[4] Their position was doubtless nearest to that of the Perioeci,

[1] Thuc. vii. 19 and 48; Xenoph. *Hell.* iii. 1. 4, 4. 2; *Agesil.* c. 1. 7; Plut. *Ages.* c. 6.

[2] Arnold's *Thucydides*, v. 34; Poppo on iii. 3, p. 529.

[3] v. 34 and 67.

[4] All the passages among the ancients concerning them mention freedom, not one civic rights; nor does the name "new Damodes" in any way justify the supposition that they were admitted to the rights of Spartan citizens. Cf. Schömann's *Abhandlung. de Spartanis Homœis* (Gryph. 1855), p. 20, or *Opuscula Academica*, i. p. 131.

among whom in all probability by far the greater portion of them dwelt, either as genuine members of their communes or as mere settlers.

Other instances of the emancipation of Helots were certainly unfrequent, since, as we have already remarked, the right of securing freedom to the members of this class dwelling on his property, resided not in the individual owner, but in the State. It was most frequently conferred on the so-called Mothaces or Helot children who were brought up together with the children of Spartans. They were no doubt generally or invariably the illegitimate sons of Spartan lords by Helot women, and we hear that in many cases not merely freedom, but civic rights were allowed them as well.[1] This however must have chiefly happened in the case of those who were legitimised by adoption, and at the same time provided with an inheritance sufficient to maintain them in the position of citizens. It is also sufficiently evident that for this step the sanction of the proper magistrates was required, and we know that adoptions in particular could only be carried into effect by the kings, and even then not without the authority of the State. As examples of these legitimised Mothaces we may mention Lysander, the son of the Heraclid Aristocritus, and Gylippus, the son of a Spartan of repute named Cleandridas; both appear throughout their career to have possessed the full civic rights. As to the status of those Mothaces, who were neither legitimised nor admitted to citizenship, we are left completely without information.

One entirely unique case of emancipation is said to have taken place in the first Messenian war (743-723 B. C.), when on account of the great loss of men a large number of families were threatened with extinction. To meet this, it is reported that widows without children and unmarried daughters were united to Helots in order that children might be born. These Helots were thence called *ἐπευνακταὶ*, and were henceforth treated as freemen and even citizens, though it is scarcely likely that they possessed full civic rights.[2] The affair is represented indeed somewhat differently by other authorities,[3]

---

[1] Phylarchus in Athenæ. vi. p. 271 (in C. Müller, *Fragm. Hist. Gr.* i. p. 347), merits no attention as against Ælian (*V. H.* xii. 43), who represents all the Mothaces as citizens. Expressions like those of the Thebans in Xenoph. *Hell.* iii. 5. 12, to the effect that the Spartans set their Helots over the towns as Harmosts, are evidently malicious, and probably point to men selected from the class of Mothaces. Cf. with this Isocrat. *Paneg.* § iii.

[2] Theopompus in Athenæ. vi. p. 271 C (Müller, *Fragm. Hist. Gr.* i. p. 310); Justin. iii. 5. 4.

[3] Antiochus on Strabo, vi. 278

but all accounts agree that many children were born on that occasion from illegitimate unions, and for that reason received the name of Parthenii. They subsequently, we are told, showed signs of discontent, because the full rights of citizenship were withheld from them, and were in consequence despatched to Tarentum as colonists.

All freedmen not belonging to the class of Neodamodes were included under the general description of *ἀφέται* and *ἀδέσποτοι*,[1] but these were taken not from the Helots, but from the body of slaves properly so called, a class which, though certainly small, was not entirely wanting in Sparta, and was acquired either by purchase or by capture in war.

SECTION II.—*The Perioeci.*

The second class of Spartan subjects are the Perioeci, or those inhabitants of the country who had gradually fallen from the position of equal allies, whose princes were only bound to recognise the Spartan kings as their superior lords, into a condition of political dependence, and who were compelled not only to obey the Spartan State without any share in its administration, but also to perform certain services both with their persons and with their properties. They were also, after the complete subjugation of the whole country, considerably superior to the Spartans in number, and if we may draw any conclusion from the reputed division of land by Lycurgus, the proportion between them must at one time have been as great as thirty to nine. Ancient writers, probably referring only to round numbers, speak of one hundred Laconian towns,[2] all of which we must necessarily suppose, were inhabited by Perioeci. But many towns were included in this number which were situated outside Laconia proper, as for example Thyria, Æthæa in Messena, and Anthana in the territory of the Cynurians, which, as was mentioned above, was not permanently acquired by the Spartans before the middle of the sixth century. There are certain indications which justify the conjecture that the Dorians in their conquest of the land observed a similar procedure to that employed on a larger scale by the Romans in their conquest of Italy. They sent, for instance, a number of their own members as colonists

(Müller, p. 184); Ephorus in Strabo, vi. 279 (Müller, p. 247).

[1] Athenæus, vi. p. 271.

[2] The passages are completely collected in Clinton's *Fast. Hell.* ii. p. 401 *seq.*

into the towns of the conquered peoples in order to retain them in obedience, and to act as a garrison. The earlier inhabitants of Geronthræ, which was probably conquered by the Spartans under king Teleclus in 700 B.C., are said to have been driven out and colonists sent by the conquerors to take their place.[1] A complete expulsion of the inhabitants is of course not to be supposed;[2] some might have emigrated, while the majority remained behind, compelled however to dwell in the open country, since the towns were occupied by the Dorians, and those on whose fidelity they could most securely count. The same thing happened in other places, and when a town like Pheræ, on the coast of Messenia, is termed by a Roman writer, a Lacedæmonian colony,[3] this is the sense in which the expression must be understood. Pheræ was one of those Messenian towns whose inhabitants were not reduced to the condition of Helots, as in most cases, but received the position of Perioeci.[4] In a similar sense, the inhabitants of Cythera are termed by Thucydides at one time Perioeci; at another, colonists; and are at the same time described as Dorians.[5] Both descriptions are true. The inhabitants of Cythera, formerly an Achæan population, like the population of the mainland opposite, were after the Spartan conquest enrolled among the number of the Perioeci, while they at the same time became more and more Dorized by the colonists who were sent among them, although the mixture of Dorian elements had commenced at an earlier time from Argos, under whose dominion the island had formerly stood. The same was the case with the inhabitants of Cynuria, who were originally an Ionian people, but had become Dorized under the rule first of Argos, and then of Sparta.[6] And the same process of Dorization had gone on at an earlier time among the Achæan inhabitants of Laconia itself, after they had become dependent Perioeci, and colonists from Sparta had settled among them. For this reason it is that Herodotus limited the Achæan race in the Peloponnese to the northern coasts, while the other districts, and among them Laconia, which had formerly been held by them, he represents as inhabited by Dorians, although strictly speaking it was only the ruling portion of the population of these countries which belonged to

[1] Pausan. iii. 22. 5.

[2] Cf. the intelligent remark of Clavier, *Hist. des premiers temps de la Grèce*, ii. p. 99.

[3] Corn. Nep. *Con.* c. 1; cf. with Xenoph. *Hell.* iv. 8. 7.

[4] Pausan. iii. 4.

[5] Thuc. vii. 57, and iv. 53.

[6] Herod. viii. 73, ἐκδεδωρίευνται.

the genuine Dorian race, which had succeeded in assimilating the rest to themselves. As regards, however, the political relation of these Perioeci to the ruling Spartans, we can hardly believe that it was entirely uniform for all, without exception. They had been reduced to subjection at different times, and in very different ways, some after a long and vigorous resistance, others almost without a struggle. Further, they belonged to different races, for though it is true that the majority were Achæans, yet the Cynurians were of Ionic origin, and the inhabitants of Belbina, Sciros, and no doubt of Ægys also, were Arcadians.[1] With regard to some too we know for certain that, at least in relation to the military service which they were bound to render, their position was different from that of the rest. The Sciritæ, for instance, formed a special corps of light infantry, which was used exclusively for outpost duty in camp, and for the van-and rear-guard upon the march, while in battle its regular position was on the left wing.[2] It may therefore be conjectured with some probability that in the case of others too the nature and degree of their services was differently fixed, and that there existed among them many different gradations, according as the Spartans after their subjugation thought fit to grant them favourable conditions, or the reverse. We have however no detailed information on the subject. The most unfavourable account of their position is given by Isocrates, who reports[3] that they were forced to work like slaves, that only the worst part of their land was left to them, and that this was so small a portion as scarcely to provide them with the necessaries of life, while the conquerors had appropriated the larger part and the best quality for themselves; their towns were unworthy of the name, being of even less importance than the demes in Attica, while they themselves enjoyed none of the rights of freemen, though they were obliged to bear the chief part of the toils and dangers of war; but the last and hardest point of all was the power which was given to the Ephors of killing as many of them as they chose without trial or sentence. It is perfectly clear that in this account there is much malicious exaggeration. For how could the Spartans have ventured to put arms into the hands of so oppressed and degraded a class? And yet we know that the Perioeci did serve in their armies, not merely as light armed troops, but equipped like themselves as hoplites, and that they

[1] Pausan. viii. 35. 5; Steph. Byz. *s.v.* Σκῖρος.

[2] Xenoph. *de republ. Lac.* 12. 3, with Haase's commentary, p. 235.

[3] *Panathen.* § 178 *seq.*

were not only equal, but often superior in number, to those of the Spartans, and even formed the main strength of the army, while only a very small number of Spartiatæ were found in it. Nevertheless, neither in war nor on other occasions do we hear of any want of fidelity or of any hostile disposition on the part of the Periœci. When the Helots, and in particular those of Messenia, rose *en masse* against the Spartans after the destructive earthquake in 464, the towns of the Periœci, with the exception of two in Messenia, remained faithful,[1] as they did also on several later occasions, until after the battle of Leuctra, when, though by no means all, yet a large number, and probably the majority, seceded to the Thebans.[2] Their position then could not have been as bad as Isocrates describes, even if we assume that their fidelity is to be explained not so much by contentment with their condition or affection for their rulers as by the difficulty of uniting for a common enterprise against a government which was both well organised in itself, and carefully observed all the movements of its subjects. That there was no absence of discontent among the Periœci is clear enough from the words of Cinadon in Xenophon,[3] who mentions them in conjunction with the Helots and Neodamodes as men on whose assistance in his revolutionary plans he could confidently reckon, since they were filled with the bitterest hatred against the Spartans. But this discontent may be explained, without supposing any peculiar oppression, as arising from the subject position which excluded them from all participation in the government and administration of the commonwealth, and from the envy necessarily excited by the privileges of the Spartans, which, in contrast with their own condition, doubtless seemed boundless. For it may be affirmed[4] with the utmost confidence, that the Periœci were excluded not merely from all the supreme offices of the Spartan State, but even from the public assemblies of the people, and that their part in the State was one of mere obedience to the commands and decrees of the ruling class. In their municipal affairs it is possible that they enjoyed in various degrees a certain amount of independence, but, on the other hand, there can be no doubt that the Spartan colonists who were settled among the subject people everywhere formed a privileged class. From them alone could the municipal magistrates be elected, while the supreme supervision was naturally exercised by Sparta itself, for which purpose, as well as

[1] Thuc. i. 101.
[2] Xen. *Hell.* vi. 5. 25, 32; vii. 2. 2.
[3] *Hell.* iii. 3. 6.
[4] Cf. Müller, *Dor.* vol. ii. p. 21 *seq.*

for a general maintenance of the government, certain officials were sent out. In the case of Cythera, we know for certain that the magistrates sent thither bore the title of Cytherodicæ;[1] with regard to the other Perioeci, there is no express testimony, although the statement is found in an ancient grammarian[2] that the Lacedæmonians had twenty magistrates called Harmostæ. Now it is clearly impossible to identify these with the harmosts who are known to us through the historians, and whom the Spartans set up in the foreign towns which submitted to them after their victory in the Peloponnesian war, and therefore, unless we choose to regard this mention of twenty harmosts as a mere random statement, which we have no good reason for doing, it seems naturally to suggest a distribution of the Perioeci into twenty districts, each of which was presided over by a harmost as supreme magistrate. This conjecture may possibly receive some support from the following consideration:—We have seen (p. 193) above that in former times Laconia had been divided into five districts, exclusive of the Spartan territory itself, while the same number is mentioned in Messenia,[3] the total number being therefore ten. Now it is very probable that this ancient division may have determined the number of harmosts, two districts being formed out of each of the older provinces, and two harmosts appointed as their presiding magistrates. It has been objected to this theory that, according to Isocrates, jurisdiction over the Perioeci must have been immediately exercised by the Spartan magistrates in the capital itself, since this author declares that the Ephors had at one time the power of executing any member of the Perioeci without sentence or trial. But this objection is so weak that it can hardly be offered seriously. For the very expression "without sentence or trial" is a proof that what is here meant is not a regular jurisdiction, or the exercise of a judicial office and administration of justice, but simply certain police-regulations which the Ephors were empowered to enforce on the Perioeci.

With regard to the obligations imposed upon this class, we only know that they consisted partly in military service, partly in certain taxes and dues; but as to the amount or nature of the latter, we have no information, though it is scarcely probable that they were the same for all. After the first Messenian war, when the inhabitants of that country were reduced to the position of subjects, but not yet to that of Helots, a tax of one-

[1] Thuc. iv. 53.
[2] Schol. on Pindar, *Ol.* vi. 154.
[3] Ephorus on Strab. viii. p. 361.

half of their produce was imposed upon them,[1] from which we may conjecture that the same amount was demanded from those of the Perioeci who received the least favourable treatment, while others were required to pay a more moderate contribution. In war, as we have already remarked, they served not only as light-armed troops, but also as hoplites, though even in this respect some distinctions may well have been observed between individual members. As early as the first Messenian war Perioeci fought in the Spartan army.[2] In the battle of Platæa five thousand Spartan hoplites fought side by side with the same number of Perioeci, in addition to five thousand more who were equipped as light-armed troops.[3] Leonidas at Thermopylæ commanded seven hundred Perioeci, with only three hundred Spartans.[4] At the battle of Leuctra only seven hundred Spartans were present, although Cleombrotus had marched out with four Moræ,[5] which must have contained at the least two thousand men, and therefore the remainder must have been Perioeci, with possibly some Neodamodes. Nor can there be any doubt that the Perioeci did not merely serve as private soldiers, but also acted as the subordinate officers of their own regiments. And, finally, on one occasion during the Peloponnesian war we find a member of the Perioeci in command of a fleet,[6] though we must add that this fleet belonged, not to the Spartans themselves, but to the allies.

The occupations of the Perioeci in time of peace, besides agriculture, consisted in the exercise of various kinds of handicrafts and trades, any share of which appeared to the Spartan lords to be inconsistent with their position, and indeed was interdicted by law.[7] Many of the Laconian manufactures, as, *e.g.* drinking-cups, chariots, weapons, shoes, mantles, and the like, were highly prized, even in foreign lands, on account of their excellence; and even in the higher spheres of art, such as working in relief and casting in metal, there were several Perioeci who were sufficiently distinguished for their names to be preserved in the history of art. For it is self-evident that Chartas, Syadras, Dontas, and other artists of this kind, could not have been Spartiatæ, as they are called by Pausanias, but simply Perioeci.[8] In their hands, too, necessarily lay the commerce with foreign lands, for the purpose of importing the

[1] Tyrtæus on Pausan. iv. 14. 3.
[2] Pausan. iv. 8, 1, and 11. 1.
[3] Herod. ix. 11, 28, 29.
[4] Diodor. xi. 4.
[5] Xenoph. *Hell.* vi. 1. 1, and 4. 15.
[6] Thuc. viii. 22.
[7] Plutarch, *Lycurg.* c. 4; Ælian, *V. H.* vi. 6.
[8] Cf. Müller, *Dor.* (vol. ii. p. 26), and Feuerbach, *Schr.* vol. ii. p. 165 *seq.*

foreign wares which were necessaries of life, and exporting those of home production. Of the island of Cythera, which was inhabited by Perioeci, we read[1] that Libyan and Egyptian merchant-vessels were found there; while the seaport towns of Laconia itself carried on maritime trade, and only by their means was Sparta enabled to equip her fleets for naval warfare. Agriculture was for the most part probably pursued by the Perioeci in person, or they may sometimes have employed slaves, but never Helots. For it is extremely improbable that any Helots were settled on the estates granted to this class, with the exception of those assigned to the colonists who were despatched to the towns of the Perioeci, and who must certainly have had Helots in their service. And in addition to these there must necessarily have been a few in those districts of the Perioeci which were not assigned to private owners, but belonged immediately to the State. The complaint of Isocrates concerning the small size of the estates which were allowed to the Perioeci has already been noticed; and that they were smaller than those of the Spartans there can be no doubt, though whether they were all of equal size, and in what manner they were granted, we must leave undetermined.

SECTION III.—*The Spartiatæ.*

The ruling class of citizens, who stood to the Perioeci and Helots in the position of superiors, derived their distinguishing name of Spartans, or, in the Greek form of the word, Spartiatæ, from Sparta, the capital of the country, which was situated in the upper valley of the Eurotas, some 20 stadia, or 2½ miles, north of Amyclæ. What, however, especially distinguished Sparta from other Greek towns was that, unlike them, it was not built in a compact form or surrounded with a ring wall, but rather consisted of several neighbouring towns and villages,[2] of which there appear to have been five, although we are able to give the names of only four with certainty. These were Pitana, Mesoa, Limnæ, or Limnæon, and Cynosura,[3] while the fifth was in all probability Sparta properly so called, which, as the most ancient town, and that which the Dorians occupied immediately after their invasion, subsequently supplied a collective denomination for all the rest.[4] Wherever there is occasion for

[1] Thuc. iv. 53.
[2] *Ibid.* i. 10.
[3] Pausan. iii. 16. 6, vii. 20. 4; Strab. viii. 364.
[4] This explains the fact that the same place, Limnæ, is sometimes called a προάστειον, sometimes a μέρος τῆς Σπάρτης (Strabo, pp. 363 and 364).

exact definition, the ruling class of citizens in Sparta are termed Spartiatæ, while the name of Lacedæmonians is common to them with the Periœci. The latter name, it is true, is often employed by Greek writers in cases where only Periœci are intended; but for the educated reader no misunderstanding is likely to be caused by this more general term, since even in its most indefinite denotation, it only includes the Periœci, and is never applied to Helots. The Spartiatæ, however, or at least by far the greater portion of them, were composed of the descendants of those Dorians who had originally conquered the country. Whether their leaders, the Heraclidæ, really belonged to the Achæan race, as the legend represents, we shall not here inquire, although I can discover no reason for absolutely rejecting the universal belief of the people, especially recognised as it was upon one occasion by king Cleomenes I.[1] But there was an intermixture in early times of many other non-Dorian elements. Cadmæan Ægidæ are said to have attached themselves to the Dorians on their march, and to have rendered them assistance in the subjugation of the Achæans.[2] Aristodemus, one of the Heraclid leaders, was united in marriage with a woman of this Cadmæan family, and her brother Theras is even reported to have administered the government, as the guardian of Eurysthenes and Procles, the youthful sons of his brother-in-law.[3] In the first Messenian war a member of the Ægidæ, named Euryleon, stood next to the kings Polydorus and Theopompus, as third commander of the army,[4] and a sanctuary of Cadmus, the mythical ancestor of this family, is found in Sparta itself.[5] With regard to the gens of the Talthybiadæ, who held the hereditary office of herald at Sparta, it may be conjectured with some certainty that it took rank among the Spartiatæ, notwithstanding the fact that it regarded itself as derived from Talthybius, the herald of the Pelopidæ,[6] and must therefore have belonged to the Achæan race. But, above all, we have express and trustworthy evidence that in earlier times the Spartans admitted into their ranks a considerable number of foreigners from the Laconian towns, and among them probably Achæans;[7] and it is, further, quite

---

The former refers to Sparta in the closer sense of the word, the latter to its wider and more usual meaning.

[1] When, in the city of Athens, he wished to enter the sanctuary of the goddess, the priestess refused him admission, on the ground that it was not allowable for a Dorian to enter. "But," answered he, "I am no Dorian, but an Achæan."—Herod. v. 72.

[2] Pindar. *Isthm.* vi. 12 (vii. 18).

[3] Herod. iv. 147; Pausan. iv. 3. 3.

[4] Pausan. iv. 7. 3.

[5] *Ib.* iii. 15. 6.

[6] Herod. iv. 134.

[7] Ephorus on Strab. viii. pp. 364-366; Arist. *Pol.* ii. 6. 12. The reader

conceivable that, whenever any of those, with whom they were obliged to dispute the possession of the country, were willing to join the invaders on condition of receiving equal privileges, the latter were far from disdaining such a means of at once strengthening themselves and weakening their enemies. It was only after their possession was established and their power consolidated that a greater exclusiveness appeared, and that admittance into the citizen class, which, in contrast with all the remaining population, occupied a position of superiority and privilege, occurred so seldom, that Herodotus declares the naturalisation of two Eleans at the time of the second Persian war to be the only known instance of the sort.[1] It will hardly be imagined that after the time of Herodotus the Spartans were more generous in the bestowal of their civic rights. The Neodamodes, as we have seen above, did not possess them; while those of the Mothaces who were from time to time made citizens were the legitimised sons of Spartan lords, and were certainly only admitted, if by their conduct they had shown themselves worthy of the honour, and also if a sufficient patrimony could be provided for them. The same thing may have occasionally taken place in the case of strangers who had been sent to Sparta as children, by their parents, in order to participate in its system of education,—a custom which became not unfrequent in those times, when public discipline in the other States had fallen into decay.[2] But this, like the former instance, probably refers only to those who had shown themselves worthy and qualified; while for those, on the contrary, who had not the means of settling in Sparta and acquiring landed property there, it was merely a mark of honour, which in no way capacitated them for the exercise of the most important civic privileges. The statement of an anonymous author of a later date, that all foreigners, whether Scythians,

---

will scarcely allow himself to be misled into the belief that by the expressions ξένοι and ἐπήλυδες, foreigners, rather than simply non-Dorian inhabitants, are intended.

[1] Herod. ix. 35. Plato, however, *Legg.* i. p. 629 A, and Plutarch, *Apophth. Lac. Forn.* viii. p. 230, Hutt. (ii. p. 156, Tauchn.), relate that Tyrtæus was admitted to the citizenship.

[2] See Haase on Xenoph. *de Rep. Laced.* p. 187. Young men sent in this manner to Sparta for their education are the so-called τρόφιμοι mentioned in Xen. *Hell.* v. 3. 9. Their number was certainly not large, and it is quite inexcusable either to confuse them with the Mothaces, or, with Manso, to consider them a special class of citizens. The fact that Xenophon expressly mentions them among those who accompanied Agesipolis on his expedition to Asia is probably to be explained by the circumstance that his own sons were also among them (Diog. L. ii. 54), and must not mislead us into the belief that they were especially numerous.

Triballians, or Paphlagonians, became Laconians, by which he evidently means citizens,[1] on submitting to the Spartan discipline, is too absurd to need refutation.

Whether these numerous foreigners, who were admitted in early times, were also incorporated in one of the three tribes of Hylleis, Dynames, and Pamphyli,[2] which may be discovered in every branch of the Dorian race, or whether one or more tribes were created side by side with these, is a question which, in the absence of definite information, admits of no certain reply. At the same time the name of the third of these tribes signifies "people from every race," and rather supports the conjecture that into this all the foreigners who had attached themselves to the Dorians were admitted; and, if so, it may be assumed that both during the march of the Heracleidæ and for some time afterwards, instances of admission to the Pamphyli constantly took place. This is possibly indicated by the legend that Pamphylus, the eponymous hero of this tribe, was still living after the conquest of Epidaurus, and married Orsobia, a daughter of Deiphontes, the grandson of Temenos.[3] Incorporation of this kind, however, into a tribe, which, in consequence, as it extended, necessarily lost its relationship to the other two, could be of no long continuance, whether the tribes are supposed to have possessed equal or unequal privileges. For, on the first supposition, it would soon have laid claim to a larger proportion of privileges, corresponding with its larger number of members; while, on the latter, it would have been still less contented with an inferior position. It may, however, be confidently denied that any distinction of privileges existed between the tribes of the Spartan State, but, on the other hand, it seems to follow from the words of a supposed Rhetra of Lycurgus,[4] that some alteration must have been adopted in the original distribution into three tribes. This Rhetra provides

[1] See the reputed letter of Heraclitus in Boissonade on Eunap. p. 425 (or Westermann, *Progr.*, Leipz. 1857, p. 14). A more moderate statement is made in the *Instit. Lacon.* no. 22, attributed to Plutarch: "Some say that even those foreigners were, according to the will of the legislator, admitted into the citizenship who submitted to the discipline of Lycurgus: it would have been more correct to have said that none were admitted without this condition."

[2] Cf. above, p. 129, and Müller, *Dor.* vol. ii. p. 76.

[3] Pausan. ii. 28. 8. As Pamphylus is said to have been a son of Ægimius (Apollod. ii. 8. 3, 5) he must have been much over a hundred years old when he married Orsobia. But it is evident that he was called the son of Ægimius from the circumstance that the tribe of the Pamphyli was in existence before the migration of the Heracleidæ. His marriage with Orsobia, however, points to some sort of relationship between this tribe and that to which Deiphontes belonged, though this is not the place for conjectures on the subject.

[4] In Plutarch, *Lycurg.* c. 6.

that a distribution of the people into Phylæ and Obæ should precede both the constitution of the Gerousia and the institution of regular assemblies of the people. Now, by this it is scarcely possible to understand a previously subsisting distribution which was to be maintained on every particular occasion to facilitate the processes of election and voting,[1] nor, again, a mere increase in the numbers of the existing Phylæ and Obæ, by the admission of persons who had hitherto been excluded; it is rather implied, on the contrary, that these divisions were then to be constituted for the first time. Now, such an arrangement may certainly have left intact the three pre-existing divisions of race, while it introduced by their side another division into Phylæ, based on locality, just as happened in Rome, when the local tribes of Servius were introduced in co-ordination with the three tribes of Romulus—the Ramnes, Tities, and Luceres. But on this subject nothing certain can be ascertained from our present sources of information, nor are we in less uncertainty concerning the Obæ or subdivisions of the Phylæ. From the terms of the Rhetra above mentioned it has been supposed necessary to fix their number at thirty, of which each Phyle would contain ten or six according as three or five of the larger divisions are assumed. It is probable, however, that the number thirty occurring in the Rhetra has reference, not to the Obæ, but to the Gerousia, which is immediately afterwards mentioned.[2] We must, therefore, content ourselves with saying that the Obæ were smaller divisions of the Phylæ, and that the name properly signified no more than distinct districts, from which we may infer that each division of the people described by this name, and consequently each Phyle, included a larger or smaller district of the town, together with its immediate neighbourhood.

Isocrates[3] represents a certain panegyrist of the Spartans as asserting that at the time of their subjugation of the country their number did not exceed 2000, among whom of course are to be included only those who were capable of bearing arms. Now, supposing that, as was doubtless the case, the Dorians were accompanied in their migration by women and children, the total number would amount to about 10,000 souls. But in truth little confidence can be placed in the statements of this

---

[1] This is Müller's opinion (*Dorians*, vol. ii. p. 80).

[2] Cf. especially Grote (vol. ii. p. 282), and Urlichs in the *N. Rhein. Mus.* vi. (1847) p. 216; Göttling, *Vermischte Aufs.* i. p. 328, entirely disputes the number.

[3] *Panathen.* § 256; Metropulus, p. 44, is convinced that in Isocrates the true reading should be, not δυσχιλίων, but δ' χιλίων or τετράκις χιλ.

orator, and least of all when they are contained in this positively childish production, which was written after his ninetieth year. If the number mentioned by him is not a mere arbitrary invention, we may assume that it was founded on an old tradition, according to which the Spartans, properly so called, or those who inhabited Sparta itself, at one time did not exceed it. But, as we have already remarked, the Dorians were also settled as colonists in other towns of Laconia, moreover all statements concerning the number of the ruling race, which occur in other authors, are always to be understood only of those original Spartans of the capital. The number of these we are told was never more than 10,000.[1] At the time of the legislation of Lycurgus, in the first half of the ninth century, they amounted, according to trustworthy statements, to 4500 or 6000, and about a century and a half later to 9000.[2] It was at this date, after the end of the first Messenian war, that the last general distribution of land took place, by means of which every individual Spartan was provided with a plot of ground of equal size; a provision, indeed, which was necessarily demanded by the principles of the Spartan State. The citizens were, through the produce of an estate which was cultivated for them by Helots, to be exempted from personal labour for their own support, and placed in a position to live entirely for their higher civic duties, while these estates were to be of equal size for all, in order that the distinction between rich and poor, always a source of discontent and disunion, might as far as possible be avoided. According to this principle a distribution had been made, immediately after their first occupation of the country, of the land which had been at that time conquered;[3] then, at a later time, when the equality of the properties had been destroyed through the increased number of citizens, and many had become poor, some few only rich, the evil was remedied by a new and sweeping agrarian law, by which, with the help of those conquests which had been added in the interval, all the land was once more distributed in equal portions among 4500 or 6000 Spartans who at that time formed the community.[4] Finally, when, at the time of the first Messenian war, the number of the Spartans had again

[1] Arist. *Pol.* ii. 6, 12.

[2] Plutarch, *Lycurg.* c. 8. No one will be easily inclined to accept the statement of numbers as if they actually corresponded to the reality; they were only put forward as round numbers.

[3] Plato. *Legg.* iii. p. 684.

[4] This second division is the one ascribed to Lycurgus, and is therefore not to be regarded as an unheard of innovation, but simply as the reconstitution of a condition which was in accordance with the principle of the State.

received considerable additions, and in consequence the equality of property had once more been necessarily destroyed, the last general division of land ensued under king Polydorus, rendered possible no doubt by the land acquired after the subjugation of Messenia. On this occasion 9000 equal allotments were formed for distribution, corresponding to the number of Spartans. The statement also occurs that the land of the Perioeci was likewise divided at this time into 30,000 allotments,—a statement by means of which we are at least informed of the proportion which was believed to exist at the time between the number of Perioeci and Spartans, though it can hardly have been intended to introduce equality of property among the former class. After the time of Polydorus distributions of land among the citizens, if they occurred at all, were certainly isolated and few in number, and only took place when the State found it advisable to apply a portion of the estates remaining in its immediate possession for the relief of the poorer citizens. The size of the several allotments of land we are unable to determine,[1] and must content ourselves with saying that they were necessarily large enough to give a return sufficient for the proper support of their owners, as well as to maintain the Helots who lived upon them, and of whom there were probably about seven families upon each. They were situated, as far as possible, in the centre of the country, where the capital itself was built, *i.e.* in the valley of the Eurotas from Pellene and Sellasia as far as its outlet into the Laconian bay, and further, as it appears, along the west coast of the bay as far as Cape Malea;[2] though of course they formed no continuous district, since, in this same part of the country, several towns of the Perioeci were situated, some of them in the immediate vicinity of Sparta. There must have been, however, no inconsiderable number of these estates belonging to the Spartans outside this district, and especially in Messenia,—a situation which implies no inferiority of position, since their owners lived in the city, and not upon their estates, their connection with which was limited to receiving the produce. Nor were they the real owners of their estates, inasmuch as they possessed no right of disposing them

[1] Very untrustworthy conjectures on the subject are given by Müller, *Dor.* (vol. ii. p. 45, Eng. tr.), and Hildebrand, *Jahrbuch für Nationalökonomie*, xii. p. 14. Cf. also Büchsenschütz, p. 48.

[2] This may be concluded from the ordinance of King Agis III. (Plut. *Ag.* c. 8), with regard to which we may assume with some probability, that it was intended to restore the previous condition. This is also Müller's opinion (*Dorians*, vol. ii. p. 47, Eng. tr.).

at will, being forbidden either to divide, sell, or give them away, and even to regulate their disposal by testamentary bequest.[1] The ownership remained in the hands of the State, while the occupiers were merely its tenants, and there is scarcely room for doubt that in the case of a family dying out, the property reverted to the State. It was necessary, however, to make provision that the number of families should, as far as possible, be maintained, and the equality of property between the several families preserved, although in our sources of information we find nothing concerning the means by which it was attempted to secure this end, and can therefore only offer conjectures, which seldom lead to valuable results. This much, however, may be maintained with confidence, that provision was made for the continuation of childless families by means of the adoption of sons from other families of the same tribe which were blessed with several children, and that heiresses were given in marriage to men who were without a patrimony of their own, in order that by this means they might succeed to the possession of an estate. In cases where provision of this kind was impossible, the evil may have been remedied in early times by grants of the still undistributed land, or even by sending out colonies; and where even these means were impracticable, as necessarily became the case more and more in later times, no other course remained except for several brothers to assist one another in common as best they could in a single house, living on the produce of the estate and any other property they might possess. In such cases the eldest ranked as the real head of the family (ἑστιοπάμων), maintained his younger brothers, and when he married, probably even shared his wife with them.[2] Whether this was an express legal provision, or merely the result of tradition and custom, it is all the more difficult to determine with certainty, since, in a State which had no written laws, the limits between law and custom must necessarily be indefinite. In the same way it is probable that the measures which aimed at the maintenance of equality, such as adoption, and the marriages of heiresses with men who had no patrimony, and the like, were not applied on each occasion with the same consistency; but we are entirely without particulars, nor do we even learn that the possession of several estates by the same occupier was forbidden by law, as for instance when the property of a brother dying without heirs fell to a man who already held an estate of his own.

---

[1] Heraclid. Ponticus, c. 2; Plutarch, *Ag.* c. 5; *Instit. Lacon.* no. 22.

[2] Polyb. *Excerpt. Vatican.* xii. 6. p. 819, ed. Hultsch.

This must have been no unfrequent occurrence in the time of war, and it is possible that such a course was permitted in the expectation that in the course of time the families thus provided with several estates would produce a corresponding number of heirs, among whom they might be divided. This much, however, is certain, that ancient authors speak of a great inequality of property having made its way into the State at a very early period, and describe several early attempts to remedy this derangement of equality by legal measures. It will probably be admitted that there was much less reason in Sparta than elsewhere for the legislature to shrink from interference by means of agrarian laws with the possessions of the the citizens, if it is remembered that in this State the owners possessed properly only the usufruct of their estates, while the real ownership always remained with the government; and the government could never surrender the right of removing any equality which had made its entrance either through carelessness or any other circumstances, as soon as it threatened to endanger the public welfare. Lycurgus was the first to pursue this course, but as early as the first century after his time, an oracle is said to have warned the Spartans against too great eagerness for wealth.[1] By this was probably intended the accumulation of several estates in a single hand, since it is scarcely possible to assume any other source of wealth than this, and it is also expressly stated that the Messenian war was partly occasioned by the necessity of conquering fresh land for distribution in order to procure estates for landless citizens,[2] and in point of fact the result of the war provided the means of satisfying this want. After this, at least throughout a long period, we can discover nothing to indicate either considerable derangements of equality or any legislative measures in consequence. But as soon as a clearer historical light begins to dawn, *i.e.* as soon as we have the accounts given by Thucydides and Xenophon concerning Sparta, we find traces enough which make it manifest that equality of property was scarcely better preserved at Sparta than elsewhere. It is indeed evident that in the ordinary course of things this equality must necessarily more and more disappear, unless it is restored from time to time by extraordinary means. The occurrence of wars in which the owners of estates are killed without leaving sons behind them, or events like the great earthquake in 464,

---

[1] Plutarch, *Inst. Lacon.* no. 41. Cf. *ib.* in *Ag.* c. 9, and Schömann's commentary.

[2] *Ib.*, *Apophthegm. Lac.*, under Polydorus, no. 2.

which destroyed a multitude of the Spartan youth, necessarily resulted in the extinction of a number of families, the estates of which, in the absence of any different disposition by the State authority, fell to collateral members who thereby became enriched, while others, whose lot it was to receive no such inheritance from these causes, remained left in poverty, and usually left their sons, if they had many of them, in still greater want. In other cases the estates fell to heiresses, who, if their marriages were arranged, not by the State, but by their relations, much oftener fell to the lot of rich husbands than of poor ones. To this it must be added that, since the Peloponnesian war, individual citizens amassed considerable riches through the war, quite apart from their estates, while the old law, forbidding the possession of gold or silver by the citizens, was first evaded, and then tacitly superseded. But to this we shall return in the sequel. Finally, however, the inequality reached its highest point when a certain Epitadeus carried a law which permitted every citizen to dispose of his property at will, either by free gift during his lifetime or by testamentary bequest. The consequence of this was that the poorer classes were easily induced, when attracted by a tempting offer, to hand over their estates to rich purchasers, and so to deprive their children of them, who in consequence, when the purchase-price had been consumed, were left with nothing.[1] It is true that the actual sale of land was not permitted even by this law of Epitadeus, but it is manifest how easily a virtual sale may be concealed under the form of a free gift or testamentary bequest.[2]

As soon as any considerable inequality of property had found its way into the Spartan State, the necessary result followed, that even in their public life a certain oligarchical character asserted itself in entire contradiction to the original principle of equality. In outward appearance, it is true, this principle was always retained; no distinction between rich and poor was recognised by the laws, which subjected both to the same discipline, prescribed to both the same mode of life, and secured for both the selfsame rights. Each citizen, without respect to property, was only to be esteemed in proportion to his personal worth, and might hold every office and honour in the State for which he had shown himself fitted; and, in fine, a truly aristocratic equality was in theory established.[3]

---

[1] Plutarch, *Ag.* c. 5.

[2] To this Aristotle refers, *Pol.* ii. 6. 10.

[3] On this account Isocrates rightly says (*Panath.*, § 178)—*παρὰ σφίσιν αὐτοῖς ἰσονομίαν κατέστησαν τοιαύτην, οἵανπερ χρὴ τοὺς μέλλοντας ἅπαντα τὸν χρόνον ὁμονοήσειν.* Cf. Arist. *Pol.* iv. 7. 5.

In this sense accordingly all Spartan citizens were described as ὅμοιοι, or equally-privileged,[1] while the Spartan people was one composed of equal members. In reality, however, wealth secured for its possessors an importance and influence which were wanting to the poor, and however much the appearance of equality might be preserved in certain external points, such as the education of children, the common dining-clubs, the fashion of dress, and similar matters; the rich, nevertheless, considered themselves as a superior order to the poor, while they possessed greater facilities for gaining important offices, and after the culture and knowledge of the rest of Greece obtained even in Sparta, if not public recognition, at least a welcome among private citizens; they did in fact constitute the more scientific and cultured class[2] in contrast with the poorer orders, who, worthy Spartiatæ as they might be, were more appropriately termed rough and uncouth than cultivated members of society. As far as legal right was concerned all Spartiatæ, rich and poor, cultivated and uncultivated, formed a body of citizens in the possession of equal rights, a demos of ὅμοιοι, which, in contrast with the subject classes of Perioeci and Helots, represented a ruling and privileged nobility. But within this ennobled demos of ὅμοιοι again there were two distinct classes,—a minority of rich, influential, and cultured citizens, who to a certain extent claimed a kind of superior nobility, and a majority of poor and uncultivated members, who, though equal to the former in the eye of the law, were in reality in an inferior position, and might be described in opposition to them as the demos or mass of the citizens. This signification of the demos at Sparta must be borne in mind in order rightly to understand many features in the inner organisation of the State, which will be mentioned. We may therefore repeat once more that the Spartan demos in its wider sense includes the equally privileged community of Spartan citizens or ὅμοιοι, without distinction of rich and poor; on the other hand, in a narrower sense, it was identified with the great mass of the ὅμοιοι, which, because it possessed less property and had acquired less culture, was regarded by its richer and more cultivated fellow-citizens as an inferior order, and took rank as such, although its members possessed a complete legal equality with the class above them, and in contrast with the subject classes of Perioeci and Helots always conceived themselves to be an aristocratic body, belonging to a superior

[1] Cf. Xenoph. *de Republ. Laced.* 10. 7; Isocr. *Areopag.* § 61.

[2] οἱ καλοὶ κἀγαθοί, as they are called in Arist. *Pol.* ii. 6. 15, or οἱ γνώριμοι, v. 6. 7.

race, which was naturally destined for dominion over the former.

There existed, however, in the Spartan State a class of people who, although Spartiatæ by birth, nevertheless did not belong to the equally privileged demos of *ὅμοιοι*. The reason for their exclusion was that they failed to satisfy the conditions which by law were attached to the possession of these equal rights. These conditions were twofold—first, unimpeachable obedience to the Spartan Agoge, or to the ordinances prescribed by Lycurgus, partly for the education of the young, partly for the mode of life to be observed by adult citizens. Whoever, says Xenophon,[1] lived in accordance with these, enjoyed all the rights of complete citizenship in their fullest extent, whether he was strong or weak in body, rich or poor in property; whoever, on the contrary, withdrew himself from their observance was considered as no longer worthy to be reckoned among the *ὅμοιοι*.[2] He was punished by a kind of *ἀτιμία* or *capitis diminutio;* he lost his nobility as a Spartan citizen and became a member of the inferior classes. The second condition we learn from Aristotle.[3] Every citizen was bound to provide a certain contribution towards the common dining-clubs (the details of which will be given later on), and whoever failed to pay this, even if from extreme poverty he was unable to raise the money, likewise lost his position as full citizen, and with it the rights of the *ὅμοιοι*. It may, however, probably be assumed that the number of those excluded from the *ὅμοιοι* on either of these two grounds was, in the better times of the State, at most a small one. For an extreme of poverty so great as to incapacitate a citizen for the payment of the moderate contribution to the common dining-clubs, only made its entry at a later period subsequent to the law of Epitadeus.[4] It is true that even at an earlier time many may have been so poor as to find the contribution a heavy burden, and for that reason they would have stood at a disadvantage as compared with the rich, for whom it was only a trifle,[5] since it always happens that a nominally equal taxation falls more heavily on the poor than the rich. But at the same time they would certainly be the

[1] *De Repub. Laced.* 10. 7.

[2] This is what must be understood when the Ephor, Eteocles in Plutarch (*Apophth. Lac.* Διάφορ, 51) refuses the demand of Antipater for fifty Spartan boys to be given him as hostages with the declaration—*παῖδας μὲν οὐ δώσειν, ἵνα μὴ ἀπαίδευτοι γένωνται, τῆς πατρίου ἀγωγῆς ἀτακτήσαντες οὐδὲ πολῖται γὰρ ἂν εἴησαν.*

[3] *Pol.* ii. 6. 21.

[4] This is expressly affirmed by Plutarch *Ag.* c. 5, probably on the authority of Phylarchus.

[5] Cf. Arist. *loc. cit.*, who for this reason terms these compulsory contributions as unfit for a democracy. At his time, after the law of Epitadeus, poverty had already become very prevalent.

more reluctant to omit these contributions, since in them they possessed the only means of securing for themselves the inestimable right of complete citizenship, and the possibility of succeeding to honour and influence. For the same reason we are inclined to consider that offences against the Agoge, and consequent exclusion from the ὅμοιοι were only exceptional cases which seldom really occurred. But however that may be, we have no good evidence as to the position in the State of those so excluded, for probably no one would so describe the statement of the rhetorical moralist Teles,[1] that they were degraded to the position of Helots. If that had really been the case Xenophon would scarcely have passed over the fact in silence, and contented himself with the simple statement that they were no longer considered as ὅμοιοι. It is probable from his words that they only lost their full citizenship, πολιτεία, in the full sense of the word, that is participation in the government and administration of the State, and the right of electing or being elected to the public offices. But the exclusion had no influence on their personal rights, or the relations of property as determined by private law; nor did it affect their children, provided that these satisfied the legal conditions imposed upon ὅμοιοι.

Incidental mention is made in a single passage of Xenophon's Greek history[2] of a class of less privileged members of the State, who are called ὑπομείονες, and enumerated along with the Helots, Neodamodes, and Perioeci, as a class which was discontented with the Spartan rule, and whose sympathy might certainly be counted upon in any revolutionary undertaking. The name ὑπομείονες signifies no more than "inferior or less privileged citizens," and since this inferior class are evidently distinct, not only from the Spartiatæ, but also from the other three classes which are named in connection with them, no supposition seems more probable than that they were a middle class, which neither possessed all the rights of Spartan citizenship, nor, on the other hand, stood in a position of complete subjection like the Helots, Neodamodes, or Perioeci. There seems no demonstrable ground for supposing, as some writers have done, the gradual growth of a class of inferior or half-citizens, consisting of enfranchised Neodamodes, Mothaces, and foreigners, and indeed had such a class actually existed we should scarcely have been left so entirely without reference to it. It is certainly very probable that the name of ὑπομείονες

[1] See Joannes Stobæus, *Floril.* t. 40. 8 (ii. p. 85, Gaisf.).
[2] Xenoph. *Hell.* iii. 3. 6.

may have been given to those Spartiatæ who had been expelled from the position of ὅμοιοι, either through an insufficient property qualification, or through disobedience to the Agoge; and if any one prefers this view there is nothing to be said against it. In Xenophon's time however their numbers were hardly so great as to be of importance as a considerable party side by side with the Helots, Neodamodes, and Periœci, and even if we grant that though few in number, they may have derived importance from other grounds, I believe nevertheless that a middle class halfway between the Spartiatæ and their subjects existed in all probability not only in Sparta, but also in the towns of the Periœci. If the view which, not without some evidence, I have followed above, be correct, that the Dorians, in the course of their gradual subjugation of the country, sent out a number of their own members from Sparta as colonists, and to serve as a sort of garrison in the towns of the conquered people,[1] it must be evident that in respect to the government of the collective State, their position was neither one of equality with the citizens, who remained behind as Spartans properly so called, nor, on the other hand, could they have been degraded to the position of the subject Periœci. The conditions necessary for complete citizenship, viz., participation in the public dining-clubs, as well as in the education and mode of life prescribed by the Agoge, could only be fulfilled to their full extent in Sparta itself; and even if in the towns of the Periœci a discipline existed, bearing in many respects a similar character to that in Sparta,[2] it was nevertheless not identical with it, and therefore not the discipline of the ὅμοιοι.[3] In the same way the rights belonging to full citizens, such as the administration of the public offices, participation in the assemblies of citizens, and possibly a seat in the Gerousia could only be enjoyed and exercised in Sparta by the Spartiatæ settled on the spot. It necessarily followed that the colonists who were sent out and their descendants were excluded from these rights. On the other hand, it is impossible that their position was completely on a level with that of the subject Periœci. They certainly occupied a privileged position within their own towns, possessed larger estates and greater influence in their municipal affairs, and can hardly have been denied the right of ἐπιγαμία with their Spartan kinsmen, from which the

[1] See above, p. 202.

[2] Cf. Plato, *Legg.* i. 637 B.

[3] Cf. Sosibius on Athenæ. xv. p. 674, where οἱ ἀπὸ τῆς χώρας and οἱ ἐκ τῆς ἀγωγῆς παῖδες are opposed to one another. A δημοτικὴ ἀγωγή is mentioned by Polybius (xxv. 8) in an account which certainly has reference to a much later period.

Periœci were most certainly excluded. It is possible that they even had the right of presenting themselves, when they desired, at the general assemblies in Sparta, although this was a privilege of little importance, and can scarcely have been used by those who lived at any distance from the city.[1] These suppositions I of course put forward as mere probabilities: I have no means of proving or establishing them by means of express testimony, but to a certain extent they seem to follow spontaneously from the nature of the case.

SECTION IV.—*The Legislation of Lycurgus.*

The organisation of the Spartan State is generally[2] ascribed by the ancients to a legislator of the olden time named Lycurgus. But so little is known with certainty about his personal career and the time at which he lived, and so many contradictory stories are in circulation, that many have imagined that not one but two persons of this name must be assumed, while others have been induced to question his existence altogether. However, there are overpowering reasons in support of the view that Lycurgus was by no means a fictitious personage, but that an ancient legislator of this name actually lived at one time in Sparta who by his constitution of the commonwealth acquired so well deserved a reputation that at a later time all or most of the institutions were ascribed to him which had been introduced at various times, some before, some after, his lifetime, and of which many owed their origin rather to ancient custom than to express legislation. He lived, according to the calculations of the most important of the ancient chronologists, in the first half of the ninth century B.C., and although we are unable absolutely to insist on the correctness of this calculation, there are no decisive reasons for rejecting it, and we may therefore for the present acquiesce in it.

At this date then, to follow the most usual account, Lycurgus, who belonged to the Heraclid gens, and was the younger son of a king named by some Prytanis, by others Eunomus, belonging to the house of the Proclidæ or Eurypontidæ, administered the government as the guardian of Charilaus or Charillus his infant nephew. Subsequently, after his ward had mounted the throne in person, he spent a con-

---

[1] Cf. Arist. *Pol.* vi. 2. 8.

[2] Not by all. Hellanicus, *e.g.* is said to have made no mention of Lycurgus, and to have ascribed the Spartan constitution to the first kings, Eurysthenes and Procles.—Strab. viii. p. 366.

siderable time in journeys through foreign lands, which some represent him as having extended as far as Egypt, and even India. Finally, however, he returned home at the desire of the people in order to arrange the constitution of the commonwealth, which at that time was suffering from disunion and confusion. The causes of this confusion are stated to have been partly discontent with Charilaus, who had governed in a tyrannical manner, or, in other words, had exceeded the traditional limits of the kingly power,[1] partly the inequality of property, since the majority of the people were poor, while the rich minority had excited envy and discontent through their insolence and oppression. Lycurgus was expressly authorised to perform his mission as a lawgiver and arranger of the State by the decree of the Delphic oracle. By this means a divine sanction was given to his institutions, which were regarded by many as directly proceeding from Apollo himself, while to Lycurgus also, as specially commissioned by the deity, heroic honours were assigned by posterity.

The laws of Lycurgus were called Rhetræ (*ῥήτραι, ῥᾶτραι, Fρᾶτραι*), not in all probability, as some have thought, to signify their origin in the utterances of the gods, but because this name was universally used of those ordinances which were expressed in fixed and definite forms, like the Latin word *lex*.[2] Meanwhile in modern times the conjecture has been put forward by some that the name properly signifies a contract, and that the Rhetræ of Lycurgus were so called because they contained certain resolutions concerning which the kings and the people had, through the mediation of Lycurgus, come to some common agreement or contract.[3] It is of course self-evident that no such legislation could possibly have come about without some contract or understanding between the different parties, and actual mention is made in Plutarch's Biography of negotiations with the most influential men, of the regard which the legislator was forced to have to the voice of the citizens, which was not in agreement with his views, and even of resistance, which was only with difficulty overcome, to one of his

---

[1] So Arist. *Pol.* v. 10. 3, and the so-called Heraclid. Pont. (6. 2), who is probably identical with Aristotle. With this certainly the statements in Plutarch, *Lycurg.* c. 5, concerning the character of Charilaus appear hardly to coincide.

[2] *E.g.* the bill which Agis III. brought before the *γερουσία* is called a *ῥήτρα*, Plut. *Ag.* c. 8; and also the law of Epitadeus, c. 5. Concerning *lex*, cf. Ernesti, *Clav. Cic. im Index legum*, ad init.

[3] The opinion relies on the fact that in Homer, *Od.* xiii. 393, the most ancient passage where *ῥήτρη* occurs, an agreement or bet is described by it, as in an old document, *Corp. Inscr.* i. no. 11, an agreement between Elis and Heræa is called *Fράτρα*.

most important ordinances.[1] Generally, however, the legislation of Lycurgus was regarded by the ancients as one introduced under divine authority by means of the utterance of the Delphic oracle,[2] while even the name Rhetra was understood to imply a divine decision.[3]

One of the Rhetræ has descended to us in a shape[4] which completely bears the stamp of a faithful repetition of its original form; it is composed of few words, and sounds like a direction pronounced by the oracle. If its authenticity were beyond doubt, some ground would be afforded for the assumption that it, and consequently that others as well, were from the very beginning reduced to writing. As the case stands, it seems more credible that it was only at a somewhat later time, when the use of writing had become universal, that in Sparta also the Rhetræ ascribed to Lycurgus were along with other documents copied out in a brief and archaic form. There is no probable foundation for the belief held by some, that Lycurgus reduced at least the constitutional laws to writing, and only committed those ordinances which concerned private law and the public discipline to oral tradition. On the other hand, those who regard the command to use no written law[5] as the content of one of those written Rhetræ, and therefore ascribe to Lycurgus a measure of precaution against the abuse of writing at a period when the art of writing was completely in its infancy among the Greeks, and no example of written legislation was known, would find no difficulty in believing in the letters which Lycurgus is said to have written to his fellow-citizens from foreign lands.[6]

The ordinances ascribed to Lycurgus may be reduced to five principal points. They deal with, first, the distribution of the people into Phylæ and Obæ; secondly, the division of the land between citizens and Perioeci; thirdly, the institution of the Gerousia; fourthly, the regular assemblies of the people; and, fifthly, the Agoge, or public discipline. The first of these points has been already considered,[7] and the remark was then made that we are unable to make any positive statement concerning the number of the Phylæ and Obæ, or their special character. But if the conjecture proposed above is correct, that new Phylæ and Obæ were instituted by Lycurgus, the object being that the strangers admitted by the Dorians in

---

[1] Plut. *Lycurg.* c. 5. 9, 11.
[2] Plato, *Legg.* i. *init.*, and see Aristotle's note.
[3] Plut. *Lycurg.* c. 13 *extr.*
[4] Plut. *Lycurg.* c. 6.
[5] *Ib.* c. 13.
[6] *Ib.* c. 19 and 29.
[7] See above, p. 211.

course of time might find their proper place in the organisation of the State, which depended upon the division into Phylæ and Obæ, then some connection between this distribution and the agrarian legislation may also be assumed. The gradual extension of the territory resulting from continual conquests, and the consequent admission of Achæans into the Dorian community, had destroyed the original equality of property. Many of the conquering race had succeeded to the possession of larger estates, while among the newly-admitted members equality had not yet been introduced at all. From this resulted the discontent of the poor of which the ancients speak.[1] Moreover, what is stated concerning the tyrannical behaviour of Charilaus may have reference to attempts at oppressing one party by the help of another, and at the same time widening the royal power. In our total want of definite information, all such conjectures, if they contain no improbability, are quite allowable. In what way, however, an agrarian legislation, and the consequent restoration of, at any rate, an average equality in landed property, was completely in accordance with the principle of the Dorian State, has already been remarked.[2] The statement that at this time 9000 allotments were formed is evidently less credible than the other account, according to which not more than 4500 or 6000 were made by Lycurgus, while the number of 9000 was first reached under king Polydorus on the conquest of Messenia about 150 years later. At that time, also, the land of the Perioeci is said to have been divided into 30,000 lots; but whether or not these were all equal remains uncertain. The amount of truth on which this statement is founded may be that at this time the relations of the Perioeci

[1] As early as the time of Lycurgus the oracle is said to have warned the Spartans against eagerness for riches, although most authorities place the warning at a somewhat later time, under Alcamenes and Theopompus. See Schömann, Plut. *Ag.* p. 123 f. If this statement has any foundation in fact, it may be assumed that the oracle, by means of a warning of this kind, was of special use to Lycurgus in regard to his agrarian legislation.

[2] Many reasons have been urged in modern times against the agrarian legislation of Lycurgus, both by some German scholars, and in particular by George Grote (*Hist. of Greece*, vol. ii. p. 311 *seq.*); and the account of it has been treated as a pure fiction, or, as Grote says, a dream of later times. How little is proved, however, by all that is adduced by Grote as the grounds of his opinion, I hope I have shown in my treatise *de Spartanis Homœis*, p. 25 *seq.*, *Opusc. ac.* i. p. 139. Cf. also *Peter im Philolog.* xiii. p. 677 *seq.* What has lately been said by H. Stein in the *Jahrbuch für Philologie Pädagogik*, vol. lxxxi. p. 599 *seq.*, against this agrarian legislation is of small importance, and all that is necessary to be said against the latest supporters of Grote's view has been said by C. Wachsmuth, *Göttingen Anzeiger*, 1870, no. 46, p. 1809 *seq.*

were newly regulated, and that a sort of sequestration of their estates was carried out, in order to make good the imposts or taxes to be paid out of them. As regards the more special ordinances relating to the constitution of the State, the legislation of Lycurgus left the monarchy standing as it was before, but regulated its power by means of the council of elders, or Gerousia, which was placed by its side, and by the privileges which were allowed to the popular assemblies, although these latter were, it is true, of an exceedingly limited nature.

SECTION V.—*The Kings.*

The monarchy in Sparta was divided between two princes,[1] both belonging to the Heraclid gens, but sprung from different houses, which derived their origin from Eurysthenes and Procles, the twin sons of Aristodemus. They were not, however, called after these; but one of them was known as the house of the Agiadæ or Agidæ,[2] from Agis, son of Eurysthenes; and the other as that of the Eurypontidæ, from Eurypon, a grandson of Procles. This division of the monarchy was explained in later times by the story that, when it was intended to make the eldest of the twins king, the mother declared that she was herself in ignorance which of the two was first born. Recourse was accordingly had to the Delphic oracle, from which the answer was obtained that both were to be made kings, but the eldest to be especially honoured. A later device succeeded in discovering that Eurysthenes was the one thus described,[3] and therefore the house of the Agidæ, being derived from him, was the more honoured, that of the Eurypontidæ held in less respect. In all essential points, however, the kings from the two houses stood in a position of equality, although there was usually very little harmony between them, and, what is especially striking, they appear never to have intermarried with one another;[4] while, contrary to the usual custom with members of the same gens, they had not common but distinct places of burial in two different parts of the town.[5] No one will be

[1] They are called among the Spartans, not merely *βασιλεῖς*, but also *βαγοί*, leaders or princes, from *ἄγω* with the Digamma prefixed; on which cf. Böckh, *Corp. Inscrip.* i. p. 83; and Ross, *Alte Locrische Inscrip.* p. 20.

[2] Agiadæ is the most correct form, from Agias, of which Agis is only an abbreviation.

[3] Herod. vi. 52, where the reader will find the manner in which this was managed.

[4] Cf. A. Kopstadt, *de rer. Lacon. const. Lycurgea* (Gryph. 1849), p. 96, and C. F. Hermann, *Göttingen gelehrte Anzeiger*, 1849, p. 1230.

[5] Pausan. iii. 12. 7, and 14. 2. Some have incorrectly inferred from Xenoph. *Hell.* v. 3. 20, that the two

inclined to regard this story of the twins as historical; it may possibly be not even the original legend, but a later invention, to explain the divided kingdom, which has taken the place of the genuine form of the story. It will scarcely be too bold an hypothesis if we assume that, according to the latter, the two sons of Aristodemus were not twins, but half-brothers, the one by a mother of Dorian blood, the other by Argeia, the daughter of Austesion, belonging to the Cadmæan gens of the Ægidæ. In this there was probably concealed some reminiscence of the fact that, at the commencement of the invasion, the Ægidæ, whose earlier presence in Amyclæ we have mentioned above,[1] had united themselves with the Heraclidæ, and rendered them assistance in destroying the empire of the Pelopidæ, on condition of sharing with them the kingdom. So Theras, the Ægid, a brother-in-law of Aristodemus, is said to have held the government as regent after the death of the latter.[2] The share in the monarchy remained with the house which had thus allied itself with the Ægidæ, even after the rest of the gens had for the most part preferred or been compelled to emigrate to Thera with the Minyæ, whether it was that it possessed too much power to be deprived of the honour, or whether the existing division of the kingly power was still regarded as the securest means against its excessive aggrandisement.

The monarchy passed by hereditary succession, not unconditionally to the eldest son, but to the one who was born first during the reign of his father,[3] and whose mother was of genuine Spartan descent. It was indeed only with Spartan women that the kings were allowed to intermarry, marriages with foreigners being interdicted.[4] If no sons were born, or if those who were, for some reason, such as some serious bodily defect,[5] were incapacitated for the regal dignity, the nearest agnate succeeded. He too it was who held the government as guardian (*πρόδικος*) during the minority of the heir-apparent;[6] and, since he possessed all the functions of the monarchy, he is frequently spoken of by some authors as if he were actually king. Disputes respecting the succession were decided by the Gerousia and the popular assembly, and we also find an

kings dwelt together in the same house. The correct interpretation of this passage is given by Haase on Xenoph. *de rep. Lac.* p. 253.

[1] *Vide supra*, p. 208.

[2] Herod. iv. 147; Pausan. iv. 3. 3.

[3] Herod. vii. 3.

[4] Plutarch, *Ag.* c. 11. "They were never to be led, by means of union with other leading families, into a despotic policy or tyrannical enjoyment."—Curtius, *Greek Hist.* vol. i. p. 195.

[5] Xenoph. *Hell.* iii. 3. 3; Plut. *Ag.* c. 3.

[6] Plut. *Lycurg.* c. 3; Pausan. iii. 4. 7.

instance in which the decision of the Delphic oracle was invoked.[1] Only one single instance occurs of both kings being taken from the same house, and this was in the last period of freedom, when the Agiad Cleomenes III. admitted his brother Eucleides as joint sovereign. Previous to this, his father, Leonidas, after the murder of Agis of the house of the Eurypontidæ, had administered the government alone,—a precedent followed by Cleomenes after the death of Eucleides. When Cleomenes died the double monarchy was once more restored, although only one of the two kings belonged to the Heraclid *gens*, being a member of the house of the Agidæ, while the other, Lycurgus, was selected, to the exclusion of the still surviving members of the Eurypontidæ, out of a family which had no connection with the Heraclidæ,—an event which was soon afterwards followed by the deposition of the still youthful Agesipolis. With Lycurgus the monarchy disappeared; the subsequent rulers, Machanidas and Nabis, are described as mere usurpers or tyrants.

As regards its political importance, it is probable that the Spartan monarchy originally most nearly resembled that of the heroic period, as it is described by Homer.[2] The kings were deliberative and judicial heads of the people in time of peace, commanders in war, and representatives of the State in its relation to the gods. As such, it was their duty either to perform in person, or to superintend, all State-sacrifices,[3] while in addition to this they held two special priesthoods, those of Zeus Uranius and Zeus Lacedæmon. As high priests they received a fixed portion of all public sacrifices, even of those which they had not performed in person, consisting in the hide of the slaughtered animals, and in time of war the back-pieces in addition. Moreover, a sucking-pig out of every litter of swine in the land was reserved for the kings, in order that they might never be without animals for sacrifice, and a sacrificial animal was delivered to them by the State on the first and seventh days of every month for a sacrifice to Apollo, to whom these two days were dedicated.[4] It was a necessary consequence of the sacerdotal character of the monarchy that bodily defects were a disqualification for it, since priests were

[1] Cf. Pausan. iii. 6. 2; Xen. *Hell.* iii. 3. 4; Herod. vi. 66; Pausan. iii. 4. 4.

[2] Cf. Arist. *Pol.* iii. 9. 2.

[3] This is stated by Xenoph. *de rep. Lac.* 15. 2. The limitation, however, is inferred from Herodotus, vi. 57, where we see that others beside the kings offered a *θυσία δημοτελής*. The reading, however, of this passage is not free from doubt.

[4] Herod. vi. 56. 57; Xenoph. *de rep. Lac.* 15. 5.

always required to be of sound body, and without blemish.[1] The Spartan kings, however, were not only regarded among their own people as specially called to represent the community before the gods in a sacerdotal function on account of their unquestioned descent from Heracles, but from the same cause enjoyed to a certain extent a sacred dignity in the eyes of the other Greeks, so that even in war and battle an enemy would hesitate to attack them.[2] The honours, moreover, assigned to them after their death also point to the respect which was paid to their heroic descent. The news of their death was announced by riders sent round through the land, female mourners clanging iron cymbals proceeded through the town, while in every house public signs of mourning were imposed on at least two of its members, a man and a woman. At the funeral not only the Spartiatæ, but also a certain number of Perioeci, were required to be present from the whole of Laconia, so that, together with the Helots, who were also there, many thousands of men assembled together, who expressed their grief by loud cries and other outward signs. After the interment all public business was laid aside for ten days.[3] When the king died in a foreign land, an image representing him was burned in Sparta, and the same ceremonial observed, or in some cases even, the body, preserved in honey, was conveyed to Sparta.[4]

As commanders in war the kings were privileged, according to the statement of Herodotus, to conduct the army against whom they would, while whosoever hindered them was laid under a curse.[5] We must however assume that this is principally to be understood of the earliest times, and that even then this power was intrusted not to every individual king, but to two acting in concert, just as in former times both were accustomed to lead the army in common, whereas at a later period it was found advisable to intrust the command on each occasion only to one,[6] and to place various restrictions upon him, the details of which will be given further on. The maintenance of the king and his retinue in the field was provided by the State,[7] while a portion of the booty taken in war, apparently a third,[8] was reserved as his proper due. When, however, the Spartans had begun to enter upon more extensive warlike undertakings, and often to send out several

---

[1] ὁλόκληροι καὶ ἀφελεῖς, *Etym. Mus.* p. 176. 20.
[2] Plutarch, *Ag.* c. 21.
[3] Herod. vi. 58.
[4] *Ib. loc. cit.*; Xenoph. *Hell.* v. 3. 19.
[5] Herod. vi. 56.
[6] *Ib.* v. 75; Xenoph. *Hell.* v. 3. 10.
[7] Xenoph. *rep. Lac.* c. 13. 1.
[8] Phylarch. on Polyb. ii. 62. 1.

armies into different quarters, other men beside the kings were frequently appointed as commanders, and when they also possessed a naval power, only in one exceptional instance was the king to be intrusted with the command of the fleet.[1] The officers next below the kings were the Polemarchs, while for the management of the commissariat and other administrative business three commissioners were assigned to him from the number of the ὅμοιοι, who, together with the Polemarchs, and probably some other officials of whom no particulars are known, formed the immediate retinue and table-companions of the king, as well as his council of war.[2] In the Peloponnesian war the discontent with the military conduct of king Agis occasioned the formation of a council of ten Spartiatæ, without whose sanction he was not allowed to carry out any undertaking. This however was only a temporary measure, not a permanent institution.[3]

Their judicial function could of course not be carried out by the kings unaided: assistants were necessary, and among these we may place the Ephors, and other magistrates still to be mentioned. The decision, however, with respect to the marriage of heiresses belonged to their special jurisdiction,[4] in cases where a dispute arose among the relatives, nor need we hesitate to add that all other judicial proceedings relating to the family and the right of inheritance fell to their arbitration, just as adoptions could only be completed in their presence. Besides this, it is stated that they were judges in matters touching the public roads, which may probably be explained by the fact that as commanders in war they had the special business of providing that the armed forces should be able quickly and easily to penetrate to every point of the land, where it might be necessary; in which was naturally involved the jurisdiction over all cases which concerned the preservation and security of the roads. The Spartan kings were as far from deriving a revenue from the administration of justice as those described by Homer.[5] On the other hand, they enjoyed a large revenue of another kind, in addition to those already mentioned, which fell to them as high priests or generals. In the lands of the Perioeci considerable districts were assigned to them, from which the Perioeci were obliged to pay taxes,[6] while

[1] Plutarch, *Ag.* c. 10.

[2] Xenoph. *rep. Lac.* c. 13; cf. Haase, p. 262.

[3] Thuc. v. 63; Diod. xii. 78; Haase, *Lucubr. Thucyd.* p. 89.

[4] Herod. vi. 57.

[5] *Vide supra*, p. 32-3.

[6] Xenoph. *rep. Lac.* c. 15. 3; Plato, *Alcib.* i. p. 123 A. It is not however probable that the φόρος βασιλικός mentioned here is the only tax paid by the Perioeci.

in the city they inhabited a house maintained at the public cost. This, it is true, was of a simple and modest appearance,[1] though it is certain that a special abode was assigned to each, and not a common one for both.[2] Their table was provided for at the public expense, and double portions were allowed them.[3] It may also be inferred, from the amount of the fines which were in some cases imposed on them, that their private property could not have been small. On his accession to the kingdom, the king remitted all the debts owed by Spartiatæ to his predecessors or to the State, although he probably paid the latter out of his own private means.[4] This was the kind of amnesty which usually occurs at the present day on a change in the occupancy of the throne.

SECTION VI.—*The Gerousia.*

In the exercise of the power of deliberating and of issuing decrees the kings were dependent on the co-operation of a council of Gerontes,[5] whose institution was ascribed to the legislation of Lycurgus. There is no doubt, however, that something similar had been handed down from still earlier times. Just as the kings of the heroic age took counsel with the most distinguished of the nobles, who were similarly called Gerontes, so also the Spartan kings must have done the same, only with this difference, that since no privileged class of nobles existed in Sparta, the selection of those who were summoned to their council depended more upon personal confidence or other considerations determined by the relations between them, while no hard and fast rule existed on the subject, or indeed on the general relation between the kings and their advisers and assistants. A rule of this kind was first given by Lycurgus, who fixed the number of Gerontes at twenty-eight, assigned their election to the popular assembly, made sixty years the minimum of age requisite for eligibility, and secured members, once elected, the enjoyment of their dignity for life. With regard to the reason of this number, various conjectures, both in ancient and modern times, have been put forward, one of which at least, from the support it has met with, cannot here be passed over in silence. Since, with the addition of the two kings, the Gerousia consisted

[1] Xenoph. *Ages.* c. 8. 7; Plutarch, *Ag.* c. 19; Corn. Nep. *Ag.* c. 7.

[2] Cf. *supra*, p. 225, note 5, also Pausan. iii. 3. 7, and 12. 3.

[3] Herod. vi. 57; Xenoph. *rep. Lac.* 15. 4.

[4] Herod. vi. 59.

[5] In the Spartan dialect, γερουτία and γερωχία or γερωία—Haase on Xenoph. *rep. Lac.* p. 114.

of thirty persons, it has been supposed that each of the thirty Obæ into which the people was divided was represented by one of the Gerontes.[1] But the number of thirty Obæ is not certainly proved by any positive evidence, and if, as the supporters of this opinion believe, the Obæ, being subdivisions of the Phylæ, themselves contained the gentes as their subdivisions, it is hard to believe that the kings could have represented two Obæ in the Gerousia, since they ranked as members of one and the same gens,—viz. that of the Heraclidæ. At least therefore the supposition of the connection between the Obæ and the gentes must in this case be given up, or it must be assumed that the two royal houses were not regarded as two houses belonging to the same gens, but that, as two distinct gentes, they were assigned to distinct Obæ. But even apart from this, it would in truth be inconceivable that so simple and obvious a circumstance as the representation of the Obæ in the Gerousia, if it had really existed, could have remained so completely concealed from the ancients, that all of them, even learned inquirers like Aristotle, should have had recourse to quite different explanations.[2] And though this may be considered insufficient to prove the groundlessness of the assumed representation, yet at least no greater claim can be made for the supposition than that it may be regarded as a possibility along with which other possibilities are equally conceivable. Possibilities of this kind, however, are of very doubtful value for history.

The proceedings at the election of a member of the Gerontes are described by Plutarch in the following manner:[3]—After the assembling of the people, *i.e.* of all the Spartiatæ who possessed the right of voting, some men selected for the purpose proceeded to a neighbouring building, from which no view was afforded of the place of meeting, though the voices of the assembled crowd could easily be heard. Then the candidates for the vacant office passed silently one by one through the assembly in an order fixed by lot, while the people, according to the various degrees of favour with which they regarded them, made their feelings known by correspondingly loud or weak acclamations. The party confined in the building, to whom the order in which the candidates appeared by lot was unknown, observed on which occasion the acclamation was the loudest, and the candidate who was thus greeted was regarded as the popular choice. He then proceeded adorned with a

[1] Müller, *Dorians*, vol. ii. p. 80, Eng. tr.; Göttling on Arist. *Pol.* p. 468.

[2] See Plutarch, *Lycurg.* c. 5.

[3] See *ib.* c. 26.

garland to the temples of the gods, accompanied by his supporters and friends, and a numerous multitude besides, while women wished him joy, and sang the praises of his excellence. In those houses of the friends to which the procession passed tables were laid, before which he was invited with the words: "Hereby the city honours thee."[1] The procession then went on to the public Syssitium, where two portions were placed before him, one of which, after the meal, he handed over to that one among the women of his family, who were present, whom he most highly esteemed, signifying thereby that he wished to honour her with the prize of honour bestowed upon himself, after which the woman, as an object of honour and envy, was conducted home by the other women. Aristotle[2] describes the mode of election of the Gerontes as childish, and if, as can hardly be doubted, he had the above-described proeeedings in his mind, such a judgment is quite intelligible in an age in which the manners of the people had long since degenerated from their ancient purity and simplicity. For there was nothing easier than to turn the whole election into a mere fraudulent farce, and to determine the result beforehand. So long, however, as it was fairly and honestly worked, it might certainly be regarded as a simple means of discovering the true disposition of the people towards the candidates, and thereby avoiding every appearance of partiality or undue influence. The people declared by its lively acclamations that it considered the man for whom they were given as the worthiest person to administer the weightiest affairs of the commonwealth in the council of the king, while the candidates who successively appeared at the same time entered into a contest for the highest prize of public recognition, which in the better times could only be gained by virtue and merit.[3] In later times, it is true, when in the midst of the legal equality of the citizens there had asserted itself the above-described distinction between rich and poor, eminent and obscure, and when the ὅμοιοι had divided themselves into a minority of influential and cultured citizens (καλοὶ κἀγαθοί) on the one hand, and a majority of uninfluential and uncultivated citizens, whom we may describe as the Demos, on the other, then apparently it came about that the office of the Gerontes was exclusively confined to a small number of important families. This might easily have been assisted by the

[1] Plutarch narrates of Agesilaus (in his Biography, c. 4) that he was accustomed to present to the newly elected elder a roll (χλαῖνα) and a cow as an ἀριστεῖον.

[2] *Pol.* ii. 6. 18.

[3] In this Demosthenes, in *Lept.* § 107, and Aristotle himself, *loc. cit.* § 15, term the dignity of the Gerontes an ἆθλον ἀρετῆς.

method of election we have described, and this is perhaps the explanation which must be given of the epithet δυναστευτικὸν,[1] which is applied by Aristotle to the election of the Gerontes,—an expression which may well signify the oligarchical limitation to a circle of certain families. The dignity was, as we have said, held for life, and the Gerontes were, at least originally, free from all obligation to render an account,[2] though it cannot be with certainty determined whether in later times they could not be called to account by the Ephors, to whom all other magistrates were subordinated. Their function was in the first place to deliberate concerning all important State affairs; passing preliminary decrees even in the case of those which were placed before the popular assembly, to be either accepted or rejected by the people. Secondly, they had the jurisdiction over capital offences,[3] *i.e.* over all that were punishable with death or atimia, as well as over offences committed by the kings, in which cases at a later time the Ephors co-operated with them,[4] and, indeed, these officers not unfrequently interfered in the other branches of their jurisdiction. With regard to the form of the proceedings no details are known. The presidency was possibly held by the kings in turn, as by the consuls at Rome. It is maintained by some that each of them possessed two votes, though Thucydides declares this statement to be erroneous.[5] Possibly when the votes were equally divided, the president may have had a casting vote, in which case his vote was counted as two. If the king was unable to be present in person at the meeting he might delegate his vote to one of the Gerontes. It may confidently be presumed, even without evidence, that the sittings were not commenced without certain religious ceremonies, and we even hear of gods of the council (*Ζεὺς ἀμβούλιος, Ἀθηνᾶ ἀμβουλιά, Διόσκουροι ἀμβούλιοι*),[6] to whom the Gerontes probably addressed their prayers. It is also expressly testified that seers were present as well as others to examine the sacrifices.[7]

---

[1] *Pol.* v. 5. 8. But cf. Sauphe, *Epist. Crit.* (Lipz. 1841), p. 148.
[2] *Pol.* ii. 6. 18; 7. 6.
[3] Xenoph. *rep. Lac.* 10. 2; Arist. *Pol.* iii. 1. 7; Plut. *Lyc.* c. 26.
[4] Pausan. iii. 5. 3.
[5] Thuc. i. 20, in opposition to Herod. vi. 57. The words of Thucydides, προστίθεσθαι μᾶ ψήφῳ, implies that the kings voted not first but last, which may be confidently assumed was the custom with the president.
[6] Pausan. iii. 13. 4.
[7] Cicero, *de Div.* i. 43, 59.

SECTION VII.—*The Popular Assemblies.*

Popular assemblies certainly existed in Sparta even before the legislation of Lycurgus, in just the same way as they occur in the heroic age. Lycurgus was not their first founder, and only rendered their arrangements more precise. One of his regulations was that the people should be regularly summoned at certain times, apparently once a month, at the time of full moon.[1] Another was, that the place of assembly should be between Babyca and Cnacion, *i.e.* never outside the district which was included in the five Comæ of Sparta, and the extreme boundaries of which towards the north and south was formed by two brooks bearing these names.[2] In later times, though the date is unknown, the people began to assemble in a building adjacent to the Agora, the so-called Scias, which had been erected about the forty-fifth Olympiad, by the Samian architect Theodorus. In ancient times, however, the place of assembly was in the open air, without any architectural adornment, and, contrary to the custom in most of the Greek States, without places for sitting, and so, like the Comitia at Rome, where the people did not sit but stand. All Spartiatæ of thirty years and upwards were privileged to attend the assembly, provided that they had not been declared unworthy of their civic privilege. Even the descendants of the colonists, who had formerly been sent out from Sparta into the towns of the Periœci, and of whom we have spoken, although no longer Spartiatæ in the proper sense or ὅμοιοι, were probably not entirely without the right of attending the assemblies, or at least those of a certain kind, and those to which they were expressly invited.[3] The summons to the assembly was issued by the kings; in later times also by the Ephors, at least in the case of extraordinary meetings. On one occasion mention is made of a so-called Small Ecclesia,[4] by

---

[1] Plutarch, *Lyc.* c. 6, quotes the words of the Rhetra: ὥρας ἐξ ὥρας ἀπελλάζειν. That the ὥρα or fixed time was the full moon is stated by the Scholiast to Thucydides, i. 67. Ἀπελλάζειν, from ἀπελλά, is probably connected with ἀόλλης (from *Fείλω*) the *F* being hardened into π. See Ahrens, *dial. Dor.* p. 51. From the same root is ἀλία, which elsewhere is the usual name among the Dorians for the popular assembly, and which Herodotus, vii. 134, also uses of that of the Spartans.

[2] Cf. Urlichs, in *N. Rhein. Mus.* vi. (1847), p. 216 *seq.*, where the Scias, which is mentioned by Pausan. iii. 12. 8, as the place for assemblies, is discussed.

[3] Possibly the frequently-occurring expression οἱ ἔκκλητοι τῶν Λακεδαιμονίων has reference to this, although this may also be explained in a different way.

[4] Only in Xenoph. *Hell.* iii. 3. 8.

which is certainly not to be understood, as some have supposed of an assembly consisting solely of the Gerontes, Ephors, and some other magistrates, which would scarcely be termed an Ecclesia by the Greeks, but one composed of the ὅμοιοι present in Sparta at the moment, or possibly even these may not have been present without exception, but only some portion of them, as, *e.g.* those most advanced in years. The subjects of discussion were defined in the preliminary decree of the Gerousia, which either itself contained a resolution on the subject, which was now laid before the people for acceptance or rejection, or the people might be intrusted with the decision upon proposals to be made in the assembly. It probably often happened that in the popular assembly proposals were simply made and discussed without any formal division being taken, merely for the purpose of giving the people some previous information on the subject, or even in order to learn its opinion, after which a motion was drawn up by the Gerousia and brought before the people in the following assembly.[1] The right of bringing motions before the assembly or taking part in the debates legally belonged only to the kings, the Gerontes, and in later times to the Ephors; in the case of others a special permission was necessary.[2] The subjects of discussion in the popular assemblies which we find in the historians are the election of magistrates and Gerontes, decisions upon a disputed succession between several pretenders to the crown, votes concerning peace and war, and treaties with foreign States, or finally legislative measures, although we are unable to state definitely which of these subjects were referred originally to the people, and which only at a later time, or which of them were heard before the Great and which before the Small Ecclesia.[3] As far as concerns legislation especially, this was in Sparta of so fixed and rigid a nature that the assembly had much less business in connection with it than in other States, and if we except the gradual extension of the privileges of the Ephorate, which could hardly have resulted without occasional decrees of the people, we find no mention until the times of Agis and Cleomenes of legislative measures which can be regarded as passed by the people,

[1] Concerning this, which, it is true, cannot be established by express evidence, but can only be inferred by combining scattered statements, cf. Schömann's treatise *de Eccles. Lacedæm.* (Gryph. 1836), p. 20 *seq.*; *Opusc. acad.* i. p. 106.

[2] Cf. Hermann, *Staatsalt.* § 25. 5.

[3] The popular assembly had moreover probably the decision concerning the emancipation of Helots, as it had that concerning the bestowal of civic rights on foreigners, although our authorities are silent on the subject.

with exception of the permission to use gold and silver in the State treasury, and the law of Epitadeus in which the inalienability of family estates was removed. The votes of the people were taken neither by tablets nor voting-stones, nor, as was usual in other places, by a show of hands (cheirotonia), but *viva voce* by acclamations. Only in cases in which by this method the majority was not sufficiently evident were the assembled people called on to arrange themselves on different sides.[1] According to the regulation of Lycurgus, the people possessed no other right in connection with the proposals placed before it by the Gerousia than simply to accept or reject them, no alterations or amendments being permissible. In later times this arrangement was departed from, and amendments or even entirely contrary proposals were adopted by the people. This was met by kings Theopompus and Polydorus, with the enactment that in such cases the kings and Gerousia should be privileged to withdraw their proposal and break off the whole discussion,[2] by means of which the power of the popular assembly was once more reduced to its previously restricted limits. Some kind of compensation for this appears to have been secured by means of the Ephorate, concerning which we shall next have to speak.

SECTION VIII.—*The Ephors.*

Magistrates, called by the name of Ephors, existed in many Dorian as well as in other States, although our knowledge with regard to them extends no further than to the fact of their existence; while the name, which signifies quite generally "overseers," affords room for no conclusion as to their political position or importance. In Sparta, however, the Board of Five Ephors became, in the course of time, a magistracy of such dignity and influence that no other can be found in any free State with which it can be compared. Concerning its first institution nothing certain can be ascertained. Modern inquirers appear to consider it as older even than the constitution of Lycurgus,[3] while ancient writers affirm, some that it was created by Lycurgus, others by king Theopompus, some time later.[4] This much only is certain, that its power gradually developed

[1] Thuc. i. 87.

[2] Cf. Urlichs, *loc. cit.* 231 *seq.*

[3] Müller, *Dorians*, ii. 112.

[4] By Lycurgus, according to Herod. i. 65; Xenoph. *rep. Lac.* 8. 3; the reputed letter of Plato, no. 8, p. 354 B; Satyrus on Diog. Laert. i. 3, p. 145, Hübn. By Theopompus, according to Plat. *Legg.* iii. p. 692; Arist. *Pol.* v. 9. 1; Plutarch, *Lycurg.* c. 7, 27; Cleom. c. 10; *Dio Chrysost. or.*

out of small beginnings to its ultimately wide extent, the cause of which may be sought, on the one hand, in the nature of its original functions, which were capable of such an extension, and, on the other, in the direct concessions made to the Ephors by the kings and the Gerousia, and which, as we are expressly assured,[1] were favourable to the popular power, in opposition to the influence of these two offices. As the result of a detailed examination of all accessible data, the following appears to be a probable account:—The Ephors were originally magistrates appointed by the kings, partly to render them special assistance in the judicial decision of private disputes,—a function which they continued to exercise in later times,—partly to undertake, as lieutenants of the kings, other of their functions, during their absence in military service, or through some other cause. Of these other functions the first must no doubt be regarded as the supervision of the public magistracies, for we may assume that the kings, as the supreme holders of all magisterial power, had originally been privileged, not only to appoint all the inferior officials, but also to watch over their conduct in office. In the second place may be mentioned the superintendence of the public discipline, from the time at least when this was first regulated by definite legal enactments, and breaches of these made liable to punishment; for it follows, from the nature of the case, that the kings, to whom this supervision was certainly in the first instance committed, were obliged to avail themselves of the support and co-operation of others, in order effectively to carry it out. The third and last of these functions was probably the right of summoning the Gerousia and the popular assembly in the absence of the kings, since circumstances might occur in which this was unavoidably necessary. Ephors of this nature may certainly be supposed to have existed even before the time of Lycurgus. If he made any regulation concerning them, which, however, is entirely uncertain, it probably only related to their number, which corresponded with the five Comæ of Sparta, and to the duration of the office. The first concession, by means of which the Ephoralty was converted from a support and representative of the monarchy into an instrument for its limitation, consisted in the change by which its supervising and control-

lvi. p. 650, Emper.; Cic. *de republ.* ii. 33; *de Legg.* iii. 7. 16. Cf. A. Schaefer, *de Ephoris comment.* (Gryph. 1863), p. 7; H. Stein, *die Entwickel. des Spart. Ephor.* (*Jahresber. des Gmn.* in Konitz, 1870), p. 4.

[1] Arist. *Pol.* ii. 3. 10; Plat. *Legg.* iii. p. 672 A; Plutarch, *Lycurg.* c. 7. They are on this account compared with the Tribunes of the people at Rome, Cic. *de Repub.* i. 33; *de Legg.* iii. 7.

ling authority, which they had at first exercised only as delegates of the kings, and over the subordinate magistrates, was henceforth allowed to be independently exerted even over the kings themselves, as the result of which they acquired the position of overseers and protectors of the public interests against all, not excluding even the kings. This independent power was apparently placed in their hands in the reign of Theopompus, and therefore at the same period in which, by means of the above-mentioned regulation, the popular assembly was deprived of the excessive influence which it had at that time usurped, and reduced to its original sphere. There are some indications which admit of our inferring the existence of democratic tendencies even at this time. Thus it appears that there was in the State at this period a considerable number of impoverished citizens, and that the first Messenian war was partly undertaken in order to be able to provide these with allotments of land in the conquered districts.[1] It was only natural that a numerous population, for the most part consisting of poor citizens, should be democratically inclined, and that this disposition should also make itself apparent in the popular assembly, where all decisions depended on the majority. Hence, when the monarchy and the Gerousia wished to re-establish their ancient influence in opposition to the popular assembly, they were obliged to agree to a concession which should give some security to the people that this power should not be abused to their detriment. This concession consisted in the fact that the Ephors were independently authorised to exercise control over the kings themselves, and therefore, of course, to protest against their measures, and in some manner to bring them to account. By this means the power of the monarchy was essentially diminished, but for that very reason ceased to be an object of anxiety to the people, or to be regarded as menacing to liberty; and its limitation therefore insured its continued existence.[2] It is a striking circumstance in this connection that the Ephors were still, as in former times, appointed by the kings,—a fact for which the evidence is too express to admit of doubt,[3] since by this means it was apparently open to the kings to appoint only those men as Ephors from whom they feared no burdensome and hampering control. This end, however, may not have been so easily attained, even if their choice was entirely free, since, in the

[1] See above, p. 215.

[2] This is remarked by Arist. *Pol.* v. 9. 1. Cf. Plut. *Lyc.* c. 7; *Præcept. reipubl. Ger.* c. 20.

[3] Plutarch, *Apophth. Lacon.* tom. ii. p. 121, Tauchnitz.

first place, the Ephors formed a board of five persons; and, secondly, a different set were appointed every year, so that there was scarcely reason to apprehend that a board could be always composed of men who had at heart the interest of the monarchy more than that of the people. Nor do we know for certain whether the kings had in reality a free choice, or whether they were not obliged to select from among certain candidates proposed by the people. In addition to this, there were two kings, and it cannot be doubted that both had some part in the election of Ephors, whether they selected alternately or in some other way; but in either case the division of the kingdom offered a sure guarantee that no one political tendency alone was likely to be represented by the Ephorate.

Subsequent to the time of Theopompus we find only two obscure allusions to any regulation affecting the Ephorate. The first is that a certain Asteropus augmented the power of the magistracy; the second, that Chilon was the first to place the Ephors side by side with the kings.[1] Chilon lived in the era of the so-called Seven Wise Men,—among whose number he was himself reckoned,—and therefore at the end of the seventh, or the beginning of the sixth, century B.C. The date of Asteropus is uncertain, though, according to Plutarch, he lived many generations after Theopompus. In what the alterations made by either of them really consisted we are not told; but this much may with confidence be affirmed, that, in proportion as greater independence and authority was granted to the Ephors in their relation with the kings, any decisive influence exerted by the latter on their election must have been diminished. Moreover, the evidence, which assigns their election to the kings, probably has reference only to an earlier period, before Chilon and Asteropus; and as early as the time of Cleomenes there is some evidence, though not, it is true, quite free from doubt, that at that time the Ephorate was held by men who were equally hostile to both kings.[2] In what way, however, their election was actually regulated we have no statement to show. A really popular election, like that of the Gerontes, apparently did not exist, if we may trust to the accuracy of Aristotle's expression,[3] where he contrasts the office of the Gerontes with the Ephorate by saying, that the people elects to the former, while it participates in the latter, or may

[1] Plutarch, *Cleom.* c. 10. 3; Diog. Laert. i. 3. Concerning the residence of Epimenides in Sparta during the time of Chilon, and his presumable influence, *vide supra*, p. 166, and Schaefer, p. 15.

[2] Urlichs in *N. Rhein. Mus.* vi. (1847), p. 256.

[3] *Pol.* iv. 7. 5.

possibly attain to it. In another passage[1] he calls the mode of election childish,—the same term which he applies to that of the Gerontes; while Plato[2] describes it as similar to or little removed from election by lot, though lots were not actually cast. Since the Ephors were supposed to be representatives of the people, it is difficult to believe that no voice could have been allowed the people in their appointment; and it is at least no inadmissible conjecture that the people, though it did not indeed elect the individual Ephors, yet nominated a certain number of persons from its midst, from whom five were selected, not by lot, but in accordance with certain auspices.[3]

In order to describe the power of the Ephors in its full extent, we must first of all mention that every month the kings were compelled by them to take a solemn oath that they would conduct the government in accordance with the laws; while the Ephors swore to them, in the name of the people, that under this condition they would leave their supremacy unquestioned.[4] Secondly, every nine years the Ephors, on a clear, moonless night, resorted to a fixed spot, in order to observe the heavenly bodies, and if any sign, such as a falling-star, appeared, this was regarded as an intimation by the divinity that the kings had committed some offence; their power was then suspended in consequence, the oracle at Delphi or Olympia consulted, and its answer determined the ultimate decision with regard to them.[5] We also hear of the Ephors keeping watch by night in the temple of Pasiphae,[6] and it is evident that they were enabled to make use of the real or pretended appearances vouchsafed to them as the occasion for measures against the kings. In this manner, in opposition

---

[1] *Pol.* ii. 6. 15.

[2] *Legg.* ii. p. 692.

[3] Göttling, on Arist. *Pol.* p. 468, supposes the designation of a number of persons, but believes that out of these the five Ephors were selected by lot; Urlichs, on the other hand, *op. cit.* p. 223, rejects the lot, and assumes in its place an observation of auspices, but he believes that, not the candidates, but certain electors were appointed by the people, who then, according to certain signs, selected the new Ephors. Cf. Schaefer, p. 15. Stein, p. 20, supposes that an elective commission was constituted by lot, which nominated a number of candidates, from whom the Ephors were then elected, in the same way as the Gerontes, by the people.

[4] Xenoph. *rep. Lac.* 15. 7. Cf. Nicol. Damasc. in C. Müller, *Fragm. Hist. Græc.* iii. p. 459, who represents the kings as taking such an oath on their accession, without mentioning the monthly repetition of it, or the Ephors. Still I should not regard that statement with Cobet, *Nov. Lectt.* p. 737, as altogether incredible. The oaths might have been renewed in each of the regular monthly assemblies.

[5] Plutarch, *Ag.* c. 11.

[6] *Ib. Cleom.* c. 7; *Ag.* c. 9, 11; Cic. *de Div.* i. 43, 96. Cf. Urlichs, p. 219.

to the sacred character, which the royal dignity acquired from its divine descent, an equally sacred authority was set up by means of the Ephors. These officers, moreover, were able to appear as accusers of the kings, and to propose their punishment or dethronement. If any one else accused the king of any crime, he was obliged to lay information of the fact before the Ephors, who then instituted an inquiry, and as its result either rejected the accusation,[1] or brought it before the Gerousia, in conjunction with which they then sat in judgment on the question, under the presidency of the other king.[2] They were hence privileged to summon him before themselves, and the only advantage which he possessed over all other citizens was that he was not obliged to appear until after the third summons. They were empowered of their own authority to censure and even to punish him with a fine; while a further sign of the subordination of the monarchy to the Ephorate is found in the fact that, whereas all others were bound to rise from their seats before the king when he appeared, the Ephors alone remained seated in their chairs of office.[3] That all other magistrates were in a still greater degree subordinated to them, needs no proof. They might, during their year of office, be suspended, arrested, and if they appeared guilty of some aggravated crime, even accused on a capital charge by the Ephors,[4] though the right of pronouncing a capital sentence against Spartiatæ was hardly within the province of that board, and was only committed to the Gerousia.

By virtue of this right of supervision over the magistrates, the Ephors were enabled to interfere in every department of the administration, and to remove or punish whatever they found to be contrary to the laws or adverse to the public interest. They did not however as yet themselves possess the power of putting into execution any measure relating to the government and administration, being a controlling and restrictive but not an executive or initiative board. This latter function they first gained by the acquisition of the right to summon the deliberative and determinative assemblies, *i.e.* the Gerousia and the popular assembly, to bring proposals before them, and to preside over the discussion which followed. At what date this right was acquired we have no means of proving, but in the period concerning which our information is less

[1] Herod. vi. 82.

[2] Pausan. iii. 5. 3.

[3] Xenoph. *rep. Lac.* 15. 6. Agesilaus himself rose up before the Ephors, even when he was seated on his royal seat, in the execution of the duties of his office, Plut. *Ages.* c. 4.

[4] Xenoph. *Hell.* v. 4. 24, and *de rep. Lac.* 8. 4.

scanty, they were apparently so firmly possessed of it, that we find no public discussions held or decrees passed without them, and in many cases their authority is the only one mentioned on these occasions. This may be accounted for either by the fact that our authors inaccurately represent what took place at the initiation of the Ephors by means of the Gerousia and the assembly, as having been executed by the former alone, or because in many cases full powers were committed to them of acting independently even without these two bodies. And in truth this was the case in regard to every kind of business, without exception, which belonged to the sphere of the deliberative and determinative power, so that we may describe the Ephors as those magistrates who stood at the head of this power, and put its organisation in motion, or even acted alone in the name of the people, as its representatives and plenipotentiaries. In particular, however, measures connected with foreign relations and wars were often especially intrusted to their discretion, so that they were empowered to arrange the despatch of troops, to deliver instructions to the commanders, to send them directions, and to recall them, even when the kings were commanding in person.[1] In addition to this, two of their number regularly accompanied the king on every expedition, nominally in order to superintend the discipline, and therefore to support him in its preservation, but in reality as his overseers. It is true that the king was probably not obliged to ask their advice in his decisions, though it is scarcely likely that he could undertake any plan without or against their advice, or if he did, in the event of an unfortunate result, he had reason to apprehend being held responsible.[2] The statement of Aristotle, that the Spartans, out of distrust of the kings, whom they despatched to their wars, associated with them their enemies, has evident reference to these two Ephors.

Further than this, the right of supervision which the Ephors possessed extended also to the whole of the public discipline, and as a consequence of this, to the life of every individual in the State, the existence of which was rightly regarded as depending not only on the good administration of the magistrates, but also on a decorous behaviour on the part of all the citizens in correspondence with the principle of the State. This supervision was, it can hardly be doubted, originally an attribute of the monarchy, and the Ephors were

[1] Cf. Thuc. i. 131; Xenoph. *Ages.* c. i. 36; *Hellen.* iv. 2. 3; Plut. *Ag.* c. 15; *Apophth. Lac.* no. 39, 41, p. 105.

[2] Xenoph. *Hell.* ii. 4. 36; *de rep. Lac.* c. 13. 5; Arist. *Pol.* ii. 6. 20.

in this, as in other points, merely their delegates and assistants. In later times, however, they became in every case completely independent, and numerous examples show to what an extent and with what exactness they exercised their supervision. A certain Naucleidas, son of Polybiades, who, by his indolence and luxury, and the consequent corpulence which was unfamiliar to the Spartan eye, had given offence, was on this account most severely censured in the public assembly, and threatened with exile unless he reformed his habits.[1] By indolence, however, is to be understood the intermission of bodily exercises, which were not merely pursued as an essential part of the education of the young, but were regarded also as indispensable for men, to prevent them from becoming unfit for war, so that their neglect was rightly punished as a dereliction of civic duty.[2] The young, however, were carefully inspected by the Ephors at least every ten days,[3] and if either their clothing or their sleeping quarters fell below the prescribed degree of neatness and simplicity, or if their bodily condition seemed to betray any want of due labour and endurance, they were punished in consequence. Even the close unions between men and youths or boys, concerning which we shall speak in more detail on a later occasion, were subjected to the special supervision of the Ephors, and every impropriety severely punished.[4] The Lesbian musician Terpander is said to have been punished because he had increased the strings of the cithera by one, and thereby departed from the strict and ancient simplicity of their music. The same thing also is said to have been repeated in the case of other musicians at a later time, who are heard of in Sparta, such as Phrynis of Lesbos and Timotheus of Miletus.[5] All foreigners who in any way seemed capable of exercising an evil influence on the discipline and morals of the State were expelled by the Ephors.[6] Even king Agesilaus himself was punished, because he appeared too largely desirous of popularity,[7] while a certain Scirophidas, on the contrary, shared the same lot because he too patiently endured the insults of other men.[8] King Archidamus was censured on the ground that he had married a wife of small stature, who, in the Ephors'

[1] Athenæus, xii. 74, p. 550; Ælian, *Var. Hist.* xiv. 7.
[2] Cf. Schol. Thuc. i. 84.
[3] So Ælian, *loc. cit.* Daily according to Agatharchides on Athenæ.
[4] Ælian, *Var. Hist.* iii. 10.
[5] Plutarch, *Instit. Lac.* no. 17; *Apophth.* p. 129; *Ag.* c. 10; Athenæ. xiv. p. 636. Cf. Volkmann on Plutarch, *de Mus.* p. 80.
[6] Herod. iii. 148; *Max. Tyr. diss.* 23.
[7] Plutarch, *Ag.* c. 5.
[8] *Instit. Lacon.* c. 35.

opinion, would bear not kings, but kinglets.[1] Anaxandridas was even obliged to take a second wife, because his own had borne him no children,[2] while generally the conduct of the queens was placed under a specially careful oversight by the Ephors, in order that no scion of other blood should be clandestinely admitted into the gens of the Heracleidæ.[3]

The Ephors' right of supervision, however, was even more unlimited over the subject classes than over the Spartiatæ themselves. The Crypteia mentioned above was set on foot by them every year immediately upon their entrance to office,[4] while they were allowed to pronounce sentence of death on Perioeci even without a trial in due form of law.[5] Finally, we have still to mention that the State treasury, and the management of the Calendar, were apparently placed under their superintendence. This may be inferred from the statement,[6] that on one occasion, under Agis III., an Ephor inserted into what would have been regularly an ordinary year an intercalated month, in order to raise illegal taxes for this month, by which can only be understood the taxes from the towns of the Perioeci, since it is certain that the Spartiatæ did not regularly pay anything of the kind, although sometimes extraordinary imposts were levied upon them.[7] There is also ground for believing that, as overseers of the public treasury, they took charge of all booty taken in war.[8]

With so extended an activity and so large a measure of power the Ephors may rightly be described as an almost tyrannical or unlimited magistracy, and indeed they are so described by Aristotle.[9] It would however be difficult to conceive how the Spartans could have endured such a power, unless provision of some kind was made against its abuse. But precautions with this object did exist, partly in the short duration of the office, partly in the division of power between several persons. For the Ephors were five in number, and after one year's tenure of office retired into a private station, and might then be brought to account by their successors, and punished for any abuse of their power.[10] Moreover, important measures could only be put into execution when the majority

---

[1] Plutarch, *Ag.* c. 2.
[2] Herod. v. 39, 40.
[3] Plat. *Alcib.* i. p. 121 c.
[4] Aristotle, quoted in Plutarch, *Lycur.* c. 28.
[5] Isocr. *Panath.* § 181.
[6] Plutarch, *Ag.* c. 16.
[7] Cf. Müller, *Dorians*, ii. p. 211.
[8] Diodor. xiii. 106; Plutarch, *Lysand.* c. 16.
[9] *Pol.* ii. 6. 14; cf. Plat. *Legg.* iv. p. 712.
[10] This is shown by the instances in Arist. *Rhet.* ii. 18, and Plutarch, *Ag.* c. 12.

of the board were unanimous,[1] and it was probably no easy matter to procure a unanimous majority for any unjust proceeding, for the simple reason that they had before their eyes the possibility of being made to answer for it after a short time. Probably even the kings, for controlling whom the Ephorate was specially intended, in cases where they were specially anxious to carry through their designs, found means to gain over the requisite majority, since the board mostly consisted of people of the lower sort, who might be imposed upon, and of poor citizens who might certainly be bribed.[2] For the mode of appointment offered no kind of security that only trustworthy people of proved capacity and fitness should obtain the Ephorate. There is no doubt, it is true, that the office was only accessible to full citizens, *i.e.* to Spartiatæ or ὅμοιοι, but we have already pointed out that even among these, great differences in reputation and property were found, and that the people, who are described by Aristotle as the Demos or inferior class (οἱ τυχόντες), in contrast with the most important and cultured citizens, are not to be regarded as a class less privileged by law, or subordinated to the ὅμοιοι, but are themselves to be found among the ranks of the ὅμοιοι, the great majority of whom in Aristotle's time consisted of men to whom he could hardly concede the epithet of καλοὶ κἀγαθοί. It was also no unnatural result that these inferior and needy persons belonging to the Demos of the ὅμοιοι should have gained the Ephorate more frequently than the rich and illustrious, from the very reason that they constituted the majority, though instances could be added if necessary that the latter were by no means excluded.

In conclusion, we have still to remark that the Ephors entered upon their office at the commencement of the Laconian year, about the time of the autumnal equinox, that the first member of the board was the eponymous magistrate of the year, whose name was therefore used in dating the time, that their official place of meeting was in the market-place, and that they had a common Syssition.[3] Further than this, the State seal, which we must probably consider as committed to their

---

[1] Cf. Xenoph. *Hell.* ii. 3. 34, and 4. 20. Corn. Nepos, *Pausan.* c. 3. 5, says that every Ephor was privileged to arrest the king. Possibly this was so if the emergency seemed pressing, but the king could certainly be kept under arrest when the majority of the Ephors decreed it in common. Thuc. i. 131, when he narrates the case mentioned by Nepos, only speaks of the Ephors in the plural.

[2] Arist. *Pol.* ii. 6. 14.

[3] Pausan. iii. 11. 2; Plut. *Cleom.* c. 8; Ælian, *Var. Hist.* ii. 15; Schol. on Thuc. i. 86, and the Excursus to v. 36.

charge, had on it a figure of the Agid king Polydorus,[1] and in their written instructions to generals in foreign lands they often made use of a secret cypher, consisting of a smooth strap of leather folded upon a round staff, in which position it was first written upon, and then unfolded again, so that the written matter could only be read if the strap was again folded round a similar staff, which was given to the general[2] for the purpose.

Mention is also made of five minor or inferior Ephors,[3] whom we may conjecture to have been sub-officials and assistants of the others, whose function it was to support or represent them in their original department of administering justice in private suits.

SECTION IX.—*Other Magistrates.*

With regard to other magistrates our authorities afford us only scanty and imperfect notices. We may mention in the first place the so-called Pythii or Poithii,[4] who were the assistants of the kings in that portion of their office which was connected with religion. The principal part of this was the communication with the Delphian god, who, in the same way that Lycurgus derived from him the sanction for his constitution, aways contrived to be consulted in important matters. This communication was kept up by means of these Pythii, two of whom were appointed by each king, and whose duties were to proceed as envoys to Delphi, to obtain the oracles, and since these were also committed to writing, to take charge of them in conjunction with the kings. They belonged to the immediate retinue of the kings, were their companions at table, and as such were boarded at the public expense.[5] Besides these, certain soothsayers, though it is uncertain how many, were attached to the kings in order to assist at the sacrifices which they had to perform both at home and in the field, and to interpret the omens. On account of the sacerdotal position of the kings, moreover, we may regard the holders of the particular priesthoods as their subordinates, and in all probability as also appointed by them. There is, however, very little mention made in Sparta of priests, unless we place the Pyrphorus in this category, of whom we read that on the departure of the army,

[1] Pausan. iii. 11. 8.

[2] Plutarch, *Lys.* c. 19; Gellius, *Noctes Atticæ*, xvii. 9; Schol. on Thuc. i. 131, and on Aristoph. *Av.* 1254, and especially Ausonius, *Epist.* xxiii. 23.

[3] In Timæus, *Lex. Plat.* p. 128, the only writer by whom they are mentioned.

[4] Phot. and Suid. *sub voc.*

[5] Herod. vi. 57.

he took some of the fire from the altar on which the king had sacrificed to Zeus Agetor and carried it before the army, and who, according to some authorities, was a priest of Ares.[1] Beside him we chiefly hear of priestesses only, as, *e.g.* of Artemis Orthia, of Dionysus and the Leucippidæ, of Phœbe and Hilaïra.[2]

The so-called Proxeni, whose number was fluctuating, served as the subordinates of the kings in their diplomatic communication with foreign States. They were appointed by them in order to show hospitality to the envoys of foreign powers.[3] In the military organisation the officers who stood next in rank to the kings were the Polemarchs, of whom, in Xenophon's time at least, there were six,[4] and under whom again were the Lochagæ, the Pentekosteri, and the Enomotarchi, of whom we shall have to speak hereafter. All these were appointed, not merely when war was to be carried on, but also regularly in time of peace. For the Spartan people formed, as it were, a standing army, continually equipped for war, and ready to take the field, for which reason it was necessary that the divisions of the army and its commanders should always be determined beforehand. With regard to the Polemarchs moreover, in particular, we know that it was their duty, even at home, to exercise an oversight over the common meals of the citizens. As regards the appointment of these officers, however, we must leave it undetermined, whether it belonged to the kings,[5] or the popular assembly, or the Ephors. The Strategi, however, were merely appointed for war, as the commanders of those armies which were not led by a king, and they were elected by the popular assembly, or by the Ephors, at the instance of that body. The same was the case with the Nauarchi or commanders of the fleet, from the time in which the Spartans began to carry on naval warfare. It was only an exceptional occurrence for a fleet and an army to be intrusted to the same commander as they were to Agesilaus, and Aristotle[6] finds fault with the independent authority of the Nauarchi, by means of which they were placed side by side with the kings, almost as co-

[1] Muller, *Dor.* vol. ii. p. 256, Eng. tr.

[2] Pausan. iii. 16. 7, 13. 5, 16. 1. Concerning the priests and priestesses who appear in later inscriptions, see Böckh, *Corp. Inscr.* i. p. 610.

[3] This at least is the most probable view regarding these magistrates, mentioned by Herodotus vi. 57; see Meier, *de Proxenia*, p. 4. Of course, besides these officials, any individual Spartan citizen might be appointed as an honorary Proxenus by some foreign State. An instance of the kind is given by an Athenian's inscription of *Olymp.* 102. 1, or 103. 1, in Rangabé, *Ant. Hell.* ii. no. 385. Cf. A. Schaefer, *Demosth.* i. p. 68, 3.

[4] Xenophon in that passage mentions *συμφορεῖς τοῦ πολεμάρχου*, *Hell.* vi. 4. 14, the position and importance of whom, however, are not clear.

[5] As Müller supposes, *Dor.* vol. ii. p. 255, Eng. tr.

[6] *Pol.* ii. 6. 22.

regents with them. Nor can it be proved for certain, though it is most probable, that the duration of the office was legally limited to a single year. There is, however, sufficient evidence of a law that no one was to hold the office more than once, though this enactment might easily be eluded by associating with the Nauarchus a sub-commander, to whom fuller powers were assigned, and who was officially termed an Epistoleus.[1] The twenty Harmostæ, who we may presume to have been police officials for the districts of the Periœci, have already been mentioned.

Among municipal magistrates we have still to mention, in the first place, the so-called Empelori, who are compared with the Agoranomi in other cities, and therefore must have exercised a police supervision over the traffic in the market, as is implied in the name. The statement, however, that they were five in number is apocryphal.[2] Secondly, there were the Harmosyni, of whom we have no information except that it is said to have been their function to watch over the behaviour of women.[3] Thirdly, the Nomophylaces, whose name, guardians of the law, similarly implies some supervisory functions, though we are without any knowledge, not only as to the particular province of their supervision, but also whether they belonged at all to the ancient constitution, since they only appear in a writer of the second century A.D.[4] On the other hand, the important office of Paidonomus, or superintendent of the discipline of the young, was no doubt as old as the constitution of Lycurgus, as were also the Bidei, or Bidyi, who were subordinated to him as overseers, whose special function it was to provide for the education of the young.[5] By whom and in what manner these and the other above-mentioned magistrates were appointed we do not know, and the only statement which is made is that all offices were filled by election and not by lot.[6] To those already mentioned we must add the Hippagretæ and the Agathoergi, who, from one point of view at least, must be regarded as a kind of magistrates. Their mode of appointment was the following:—Three young men, who were either apparently close upon their thirtieth year, or had

---

[1] Plut. *Lyc.* c. 7; Xen. *Hell.* i. 1. 23; ii. 1. 7; iv. 8. 11; v. 1. 5, 6; *Jul. Poll.* i. 96.

[2] It only depends on the Fourmont Inscriptions, of whose unauthenticity there is no doubt. Hesych. (*sub voc.*) states no number.

[3] Hesych. *sub voc.*

[4] Pausan. iii. 11. 2. Besides this, they appear in Inscriptions of later times.

[5] Plutarch, *Lyc.* c. 17; Xen. *rep. Lac.* c. 2. 2; Pausan. iii. 11. 2; Böckh, *Cor. Inscr.* i. p. 88, and 609.

[6] Arist. *Pol.* iv. 7. 5; Isocr. *Panath.* § 153.

already exceeded it,[1] were selected by the Ephors, and these in their turn chose each one a hundred of the fittest young men from the number of those who had not yet attained their thirtieth year, stating the reasons for their selection in order to avoid the suspicion of partiality. The persons so selected as the flower of the Spartan youth bore the honorary title of Hippeis or Knights, while their three leaders were called Hippagretæ, although in war they served not as cavalry, but as hoplites. The name may possibly have survived from times in which they actually served on horseback.[2] No reference whatever is made to any legal privileges in addition to this honorary title by which they were distinguished above their contemporaries, but if they held together and formed an exclusive body, they must necessarily have acquired a certain weight in public affairs; and in this way we may explain the fact that they are represented by one writer, whose authority, it is true, is very doubtful,[3] as a special class, which was peculiarly adapted to serve as a support to one of the existing State authorities, either the Monarchy, or the Gerousia, or the Ephors, against the encroachments of the rest. Finally, out of the number of those who quitted this selected company, or, in other words, were ranked among the men on the completion of their thirtieth year, five were chosen by the Ephors every year, who, under the name of Agathoergi, were employed on different missions, such as embassies to foreign lands and the like, as a kind of intermediaries.[4] With regard to the minor officials, we have, as may be conceived, still less to say. We have, however, to mention the State heralds, whose office was hereditary in the gens of the Talthybiadæ,[5] which, from the fact that it was derived from Talthybius, the herald of the Atreidæ, must be regarded as an originally Achæan gens, which was possibly admitted to the Spartan citizenship.[6] Another hereditary office was that of flute-players, who officiated as

[1] This is probably the meaning of the expression in Xenoph. *rep. Lac.* c. 4. 3, ἐκ τῶν ἀκμαζόντων αὐτῶν (τῶν ἡβώντων).

[2] Among the Thebans the members of the so-called Sacred Band were called ἡνίοχοι and παραβάται in recollection of the long since antiquated mode of fighting in chariots.—Diodor. xii. 70; Plutarch, *Pelop.* c. 18, 19.

[3] The pretended Archytas in Joannes Stobæus, *Flor.* 43, 154 (p. 168, Gaisf.), where they are called κόροι. When Ephorus, in Strab. x. p. 481, speaks of an ἀρχὴ τῶν ἱππέων, we must no doubt understand the three Hippagretæ, who are also described in Timæus and Hesychius as an ἀρχή or as ἄρχοντες.

[4] Herod. i. 67; Suid. *sub voc. Lex. Seguer.* pp. 209 and 333.

[5] Herod. vii. 134.

[6] Cf. Müller, *Dorians*, vol. ii. p. 28, Eng. tr., with whom, however, I do not agree with regard to Sperthias and Bulis, whom he regards as Talthybiadæ.

musicians as well at feasts as in the army, and also that of the chief cooks, who had to superintend the preparation of the food and drink at the public dining-clubs.[1] These two latter classes probably belonged to gentes of the Perioeci, who had settled in Sparta, but were certainly not admitted into the number of Spartan citizens. There were three Heroes or patrons of the art of preparing food and mixing wine, named Daton, Matton, and Ceraon, whose sanctuaries were situated in Sparta in the Hyacinthine street.[2] It is unnecessary, however, to determine whether there was a corresponding number of gentes employed in the occupation of preparing meat, baking bread and mixing wine, or whether merely different persons of the same gens had to perform, some one, some another, of these duties.[3]

SECTION X.—*The Administration of Justice.*

The judicial office in Sparta was, after the old oligarchical fashion, not intrusted to a number of sworn jury-courts, appointed from the collective body of citizens, but merely placed in the hands, sometimes of the Supreme Council or Gerousia, sometimes of individual magistrates.[4] In the case of private suits or less important offences judgment was pronounced by the magistrate under whose branch of administration they happened to fall, as, *e.g.* in matters regarding trade in the market or offences against its regulations by the Empelori. With regard to the Ephors, we know that in particular all mercantile suits arising out of contracts belonged to their jurisdiction, while the kings had to decide in all disputes relating to the family or inheritance. It would scarcely require proof, even if no instance happened to be found, that in Sparta, as elsewhere, disputes were not in all cases brought before the public magistrates, but were frequently settled by a compromise proposed by private arbitrators. In the only instance of the sort which occurs,[5] the arbitrator thus appointed bound the two parties by an oath that they would acquiesce in

[1] Herod. vi. 60.

[2] Athenæ. iv. 74, p. 173, extr., and ii. 9, p. 39.

[3] The ὀψοποιοί of Agatharchides in Athenæus, xii. 74, p. 550, are certainly not to be identified with the μαγείροι in Herod. vi. 60, and since these are the only hereditary holders of office mentioned by the latter, along with the heralds and flute-players, it is at least hardly allowable to assume special gentes of hereditary bakers and mixers of wine, and still less to infer with Müller, *ad loc. cit.*, that almost all trades and occupations in Sparta were hereditary.

[4] Arist. *Pol.* ii. 8. 4; iii. 1, 7.

[5] Plutarch, *Apophth. Lac.* Ἀρχιδάμ. Ζευξιδ. n. 6, p. 124, Tauchn. So in the anecdote concerning Chilon in Diog. Laert. i. 75, we must probably regard it as an arbitration and not a capital cause, as Gellius, i. cap. 3, states.

his decision. From this we may infer that this was not universally the case, but that the compromise was frequently concluded in such a way that the right was reserved of appealing against the decision of the arbitrator, in which case his duty merely consisted in attempting a reconciliation. The criminal jurisdiction over serious offences was in the hands of the Gerousia, which alone had the privilege of pronouncing a capital sentence on citizens. The rule was that the Gerontes should only pronounce their sentence after several days' deliberation, while acquittal did not protect the accused person from being again brought to trial for the same cause, and accordingly no *exceptio rei judicatæ* was known.[1] Offences committed by the kings were tried by the Gerontes in conjunction with the Ephors.[2] With regard to the forms of procedure, either before the magistrates or the Gerousia, we are entirely without information, nor are we in a position to answer the question as to whether every citizen was privileged to come forward as an accuser, as was the case in democratic States, or whether a private individual was obliged to content himself with laying information of the offence before a magistrate, possibly the Ephors, and to leave to him its further prosecution. The popular assembly exercised, so far as we can judge, no judicial authority, except in those cases in which the right of succession to the throne was contested by several claimants.[3] The preliminary inquiry was in this case, of course, conducted by the Gerousia, and its result laid before the people, which however must nevertheless have had the right, if it formed a different opinion on the question of law, to follow its own decision in preference to that of the Gerousia, since otherwise the reference to the popular assembly would have been a mere formality. From the fact that written laws, long after they were used in the other States, did not exist in Sparta, and were even expressly interdicted, it follows that the judges could only have formed their decisions in accordance with custom and their own discretion,—a practice with which Aristotle finds fault.[4] And true it is that injustice and arbitrary sentences were thus rendered possible, though they probably did not occur with greater frequency in Sparta than in other States which enjoyed written laws, but committed the maintenance of them to popular courts, which, being responsible to no one, were usually not hampered by too conscientious an observance of them. One singular instance which is recorded of the contravention of customary right may, by the manner in which it came about,

[1] Plutarch, *ad loc. cit.* p. 120.
[2] *Vide supra*, p. 233.
[3] Xen. *Hell.* iii. 3. 1, 4.
[4] *Pol.* ii. 6. 15.

serve as a proof that similar proceedings were of extremely rare occurrence. When, in consequence of the defeat of Leuctra, a large number of Spartiatæ had become liable to the heavy penalties imposed by the law on fugitives from the field of battle, great embarrassment was felt, since it was felt impossible to decide on the condemnation, in obedience to the law, of so many fellow-citizens, nor on their illegal acquittal. The State would willingly have been freed from either necessity, and the means for this was devised by king Agesilaus. He caused himself to be appointed legislator, with extraordinary powers, and then declared that, though the existing laws were to remain unaltered for the future, they might be suspended for this single instance, or, as Plutarch expresses it, be allowed to sleep for a single day. In this way the procedure against the citizens in question was entirely suspended, and they were in reality neither condemned in accordance with the law, nor acquitted in disobedience to it.[1]

No particulars can be given with regard to Spartan law, though it is clear that in a State which on principle excluded its citizens from trade, commerce, and industrial pursuits, and made private property as far as possible limited in quantity and inalienable, its private law must have been extremely simple, and far less extensive and important than its penal law, which was sometimes directed as a criminal procedure against serious offences and derelictions of duty, and sometimes as a police-jurisdiction against breaches and neglect of the public discipline, to which the entire life of the citizen from childhood, and through every subsequent stage, was continuously subjected. But just as the regulations of this discipline itself varied very much in importance, so also did the punishments imposed for their transgression. Trivial offences, such as must have frequently occurred, were lightly punished. For instance, a man was sentenced to provide an extra dish for his fellow-members at the Syssitia, or to supply reeds and straw for the benches, or bay-leaves, which were used in certain kinds of food, or other trivial fines.[2] More serious misdemeanours, as, *e.g.* cowardice in war, were severely punished, sometimes even with atimia or the loss of all the rights and honours of citizens. Even those men who, during the Peloponnesian war in the island of Sphacteria, were forced after an obstinate defence, to surrender themselves to the Athenians, little as they could be accused of any real cowardice, were nevertheless not merely declared incapable of acquiring any office, but were

[1] Plutarch, *Ag.* c. 30.

[2] Athenæ. iv. 140 *seq.*

deprived of the right to dispose of their property by purchase or sale.[1] These, however, were soon restored to their former privileges. The customary punishment for cowards (or Tresantes), however, was even more severe. They not only lost all their civic rights, and were excluded from the Syssitia, and the exercises and amusements of the citizens, and in the festal choruses were placed in a dishonourable position, but they were also on all occasions exposed to universal contempt and to insults of every kind. They were obliged to wear a coat made up of different patches, to shave the sides of their head, and to yield the road even to the youngest citizen; no one would consent to speak to them, nor to let them kindle a fire from his hearth; and if they had daughters, no one would marry them; if they were unmarried, no one would give them his daughter to wife; while, in addition to this, they received special punishment as unmarried citizens.[2] For even celibacy was regarded in Sparta as a dereliction of civic duty, and as such was punished with a very palpable severity. For instance, a confirmed bachelor was obliged sometimes to go in a cold winter's day to the market almost naked, and there to sing lampoons against himself,[3] a mode of punishment which was apparently often imposed for other kinds of offences. Next to punishments involving loss of honour, pecuniary fines are most frequently mentioned, especially in the case of kings and generals. Thus Phœbidas was condemned for his illegal occupation of the Cadmæa to a fine of 100,000 drachmæ,[4] while the same amount was to be imposed on Agis, because in the war against Argos he neglected his duty, while in addition his house was to be levelled with the ground, a punishment which he narrowly escaped actually undergoing.[5] Lysanoridas, again, one of the commanders of the Spartan garrison in the Cadmæa, was, on account of his feeble defence, condemned to a pecuniary fine, which he was unable to pay, and was in consequence banished from the country.[6] Similarly, at an earlier time, fourteen years before the commencement of the Peloponnesian war, king Pleistonax was also banished. He was condemned to a fine of fifteen talents, because in a war against Athens he had led back his army out of Attica without having effected his object, and, being unable to pay this amount, he fled to Arcadia, where for nineteen years he lived as a refugee in the sanctuary of Zeus Lycæus, until at last the Spartans, at

[1] Thuc. v. 34.
[2] Xen. *rep. Lac.* c. 9. 5.
[3] Plutarch, *Lycurg.* c. 15.
[4] Plutarch, *Pelop.* c. 6.
[5] Thuc. v. 63.
[6] Plutarch, *Pelop.* c. 13.

the bidding of the Delphian oracle, recalled him and restored him to the government.[1] The adviser, who had been assigned him in the war against Athens, and who was accused of having been bribed by Pericles, was, according to a statement of Ephorus, punished with the confiscation of his property, while by Plutarch's account he fled the country, and was condemned to death in his absence.[2] It is possible that both punishments were pronounced against him, and that he only escaped the latter by his exile. Lysanorides and Pleistonax, moreover, must have saved themselves by their flight from a harder fate, which threatened them in Sparta, if they failed to pay the fine imposed, and this probably would have consisted in at least the highest degree of atimia, possibly in imprisonment, or possibly even in capital punishment. It is at any rate stated by Thucydides, that Pleistonax, out of fear of the Spartans, placed himself under the protection of Zeus Lycæus, and it is hardly conceivable that his fear could have had any other cause than that the Spartans, if they obtained possession of his person, as he was not able to pay the fine, would proceed against him with still greater severity. In a somewhat earlier period also a certain Alcippus is said to have been punished with banishment and confiscation of property, on being accused of devising schemes for the overthrow of the constitution,[3] and I can find no ground for doubting that both these punishments were sometimes, if rarely, actually carried out.[4] Imprisonment may be regarded merely as a means of security, in order to retain possession of an accused person, although it may well be

---

[1] Thuc. v. 16. The sum is mentioned by Ephorus in the Schol. to Aristoph. *Clouds*, l. 858.

[2] Ephorus, *ad loc. cit.*; Plut. *Pericl.* c. 22.

[3] Ps. Plutarch, *Narrat. amat.* c. 5.

[4] Cf. Athenæ. xii. p. 550; Ælian, *Var. Hist.* xiv. 7. Müller (*Dorians*, vol. ii. p. 238, Eng. tr.) throws doubt on the punishment of exile, "because the State could hardly have legally compelled any one to do that which, when it was voluntarily performed, was punished with death." And therefore because the State restrained its citizens from travelling and from lengthened abode in foreign lands, in order to prevent their corruption, it must forsooth refuse to send away those whom it regards as corrupt and dangerous subjects! In Herod. i. c. 68, mention is made of a banishment which, we must admit, is merely pretended. Confiscation has been doubted by Meier, *de bon. damn.* p. 198, on the ground that the State must have sought, as far as possible, to retain the number and size of the estates unaltered. But the State might make use of confiscated estates to provide for those citizens who possessed none of their own, and so found a house. Again, when this authority (p. 199) regards the story of Alcippus as apocryphal, his judgment merely rests on what the narrator states to have been the motive of the confiscation. This may easily have been a mistake, but we are not on that account justified in rejecting the fact itself.

believed that it was also applied as a punishment, as, *e.g.* in the case of those who failed to pay a fine to which they had been condemned. Corporal punishments were used frequently enough as a discipline for the young, as may be inferred from the simple fact that a number of Mastigophori or whip-bearers were assigned to the Paidonomus.[1] They were not, however, employed in the punishment of criminals, except in aggravation of the punishment of death. Thus we hear that Cinadon and his fellow-conspirators were, before their execution, led through the streets of the city with scourges and goads, with their hands bound, and their necks in halters.[2] The execution, which could legally take place only by night,[3] was accomplished by strangulation, either in the prison, in a specially appointed spot called Dechas,[4] or the condemned was cast down the so-called Caiadas, a deep cleft in the neighbourhood of the city. Usually, however, it appears that only the corpses of executed criminals were thrown down here.[5]

SECTION XI.—*The State Discipline.*

The Spartan Agoge, or in other words the regulation and discipline to which Sparta subjected the lives of her citizens, no doubt rested originally on some previous foundation in the national character and popular customs, from which it was subsequently developed of set purpose and on a regular plan, and transformed into a well-devised system of rules for conduct, which was admirably suited to the peculiar circumstances of the Spartan State. This system embraced the whole life of the citizen from earliest youth up to extreme old age, and permitted him to enter upon no other career and to acquire no other culture than what seemed to promote the general good or the maintenance of the commonwealth in unimpaired force and security against its opponents.

The promise said to have been given by the oracle to the Spartans, that they should secure the possession of honourable freedom by means of bravery and union,[6] was kept in view by the legislators who framed this system of life, and it must be confessed that there is something which commands admiration and respect in the sight of the man-taming Sparta, as Simonides calls it,[7] where a people small in numbers, but marked by the complete surrender of every individual to the

[1] Xen. *rep. Lac.* c. 2. 2.
[2] *Ib. Hell.* iii. 3. 11.
[3] Herod. iv. 146.
[4] Plutarch, *Ag.* c. 19. 3.
[5] Pausan. iv. 8. 3; Thuc. i. 134.
[6] Diodor. *Excerpt. Vatic.* vol. iii. p. 2, Dindf.
[7] In Plutarch's *Ag.* c. 1.

whole, and by the unconditional sacrifice of private inclinations to the requirements of the commonwealth, displayed an energy which rendered it capable of maintaining itself for a long period in possession of a supremacy over a far larger number of subjects, and in undisputed superiority to all the other people of Greece. We can thus easily understand how many, struck by this magnificence, have overlooked the dark side of the picture, and, idealising Sparta, praised it as the State in which, more than in any other, the idea of aristocracy or of a government of the best citizens was actually realised. For if the best citizens are conceived with exclusive reference to the capability of defending their supremacy and conquering their enemies, it must be confessed that the Spartan discipline did indeed train the citizens to perfection; but if true excellence is only found in the free development of all the noble qualities and powers of mankind, in the even and harmonious cultivation of the moral and mental nature, then this praise must be withheld. We should be rather inclined to agree with the sober and impartial judgment of Aristotle, and to allow that the Spartan discipline, instead of ennobling its citizens, and training to a true *καλοκἀγαθία*, made them rather one-sided and rude.[1]

The child immediately on his first entry into the world fell under the control of the State. The question whether he should be brought up or made away with was not, as elsewhere, left with the father, but was determined by the judgment of a commission composed of the oldest members of the Phyle, to whom the infant had to be shown. If they found it weak, fragile, or unsound, they gave orders for its exposure, for which purpose a place was appointed in Taygetus, which was from this circumstance called *Ἀποθέται*, or the place of exposure. Healthy and sound children they ordered to be brought up, and assigned them, if they were posthumous sons, the reversion to an allotment of land,[2] in cases where they had any at their disposal, and when the father was not possessed of several allotments which the sons could divide between them. After this the boy, until his seventh year, was left in his father's house, and intrusted to the care of the women, although this early domestic training and education was simply intended to serve as a preparation for the subsequent public discipline, for which the child was to be allowed to grow up sound and healthy in mind and body without any tenderness or effeminacy.

[1] Arist. *Pol.* viii. 3. 3; cf. vii. 2. 5; 13. 10-15 and 20.

[2] Plutarch, *Lycurg.* c. 16; cf. Hermann, *Antiq. Lac.* p. 188 *seq.* and 194.

The Laconian nurses were celebrated and sought after, even in foreign lands, and wealthy parents exerted themselves to secure them for their sons. For instance, Alcibiades is said to have had a Laconian foster-mother or nurse named Amycla.[1] When the seventh year was reached the boy was taken away from his parents' house, and handed over to the Paidonomus or general director of the education of the young, who at once assigned him to some particular division composed of boys of the same age. These divisions were called ἴλαι or companies, several of which formed a band, ἀγέλα, or, as the Spartans called it, βοῦα. Every Ila was commanded by an Ilarch, every βοῦα by a Buagor, selected from the fittest of the youths who had passed out of the period of boyhood, the Buagor being apparently chosen by the votes of the boys themselves.[2] These leaders had to direct the occupations, games, and exercises of those committed to their charge, and also to instruct them in gymnastics, though of course under the constant oversight of the Paidonomus and the Bidyi, who were close at hand with their mastigophori, in order, when occasion required, to visit the young people with the necessary chastisement. In addition to these, plenty of men were always present, who watched the emulation of the youths with keen interest, and were privileged to call for this or that gymnastic feat, to set on foot any kind of contest they pleased, and, in a word, to instruct, to exhort, or to punish.

The bodily exercises were judiciously divided according to the various ages of the boys, though no details on this point can be given. Boxing, however, and the Pancration, were entirely excluded, as being adapted only for athletes and not for future warriors,[3] whereas running, leaping, wrestling, throwing the spear and discus were diligently practised, while training in the use of military arms was, we may be sure, not omitted, although the teachers of Hoplomachy, who professed to instruct not only in various useless tricks of fence, but also in tactics and other military knowledge, were never admitted into Sparta.[4] Besides these there were various kinds of dances, among which the Pyrrhic, a rapid dance performed in armour, was a special favourite; it is said to have been taught to children only five years old.[5] The whole regulation however

[1] Plutarch, *ad loc. cit.* We hear of another Laconian nurse named Malicha or Cythera from an epitaph found in Athens. She was nurse to the children of the Athenian Diogiton in the fourth century B.C. *Vide* Bullettino, *de Corrisp. Archeol.* (1841), p. 56.

[2] Plutarch, *Lycurg.* c. 17.

[3] Cf. Haase on Xenoph. *rep. Lac.* p. 108.

[4] *Ib.* p. 219.

[5] Athenæ. xiv. p. 361 A.

of the life of the young citizens was calculated to produce vigour and bodily strength. They went about barefoot, with no covering for the head, lightly and scantily clothed, and from their twelfth year, even in winter, were clad in a single outer garment, without under-clothing, and this was expected to last for the whole year through. The hair was worn cut short, and not even bathing or anointing the body was allowed except on some few days in the year. Their sleeping quarters were provided merely with hay or straw, without carpet or covering, and after their fifteenth year, in which puberty begins to develop, they lay on reeds or rushes (σίδη), on account of which boys of this age are also called σιδεῦναι.[1] Their food was not only simple in the extreme, but often so scanty in quantity as to be insufficient to satisfy their hunger, so that the boys, unless they chose to go hungry, were compelled to steal for themselves the means of sustenance, which, if it was skilfully performed, was praised as a proof of cleverness and adroitness, though, if it was discovered, it received punishment.[2] Finally, in addition to the other means which were daily offered of hardening themselves against bodily pain, we must mention in particular the annual Diamastigosis or scourging test at the altar of Artemis Orthia or Orthosia, where the youths were scourged until the blood flowed, and considered it disgraceful either to betray pain or to beg for any abatement, and the one who endured longest received the honourable title of Bomonicas, or conqueror at the altar. It sometimes, however, happened that boys died under the scourge. The custom is said to have been originally introduced in order in this way to provide some compensation to Artemis, who, according to ancient prescription, had to be appeased with human blood, instead of the human sacrifices which had in former times been offered. It was subsequently used, as we have described, as a means of education, and was preserved up to a very late period, in which very little else remained of the other institutions of Lycurgus.[3] It can certainly not be denied that this method of bringing up the young must have attained its object in perfecting, strengthening, and hardening the body; but whether a cultivation of bodily strength and endurance, in so far as it is necessary for health and military fitness, can only be attained by such violent means, is another question, which should probably

[1] Plutarch, *Lycurg.* c. 16; *Inst. Lac.* 5; Phot. *Lex.* p. 107; cf. Müller, *Dorians*, vol. ii. p. 301.

[2] Xen. *rep. Lac.* c. 2. 6; Plutarch, *Lycurg.* c. 17.

[3] Pausan. iii. 16. 6, 7; Cic. *Tusc.* ii. 14; Haase, *ad Xen.* p. 83; and especially Trieber, *Quæstt. Lac.* (Berol. 1867), p. 25 *seq.*

rather be answered in the negative. Even the Spartans themselves at least considered it neither necessary nor advisable to subject the future successor to the throne to the full severity of this discipline.[1]

In proportion as the general development and extreme enhancement of bodily fitness was anxiously and indeed excessively desired, so, on the other hand, the sphere of moral and intellectual training was curtailed. With regard to scientific instruction, it is true that at the period in which the rules of the Spartan Agoge were determined, even in the rest of Greece little of the kind existed. But even in later times, when at least the elementary knowledge of reading and writing everywhere formed a subject of instruction for the young, this was, in Sparta, not admitted into the prescribed discipline, on which account Isocrates[2] reproaches the Spartans on the ground that they are so backward in the most general culture as not even to learn the letters of the alphabet. This is certainly rhetorical exaggeration; but it is true that reading and writing did not form part of the prescribed instruction, although of course there were many who learnt them in private, as soon as the general condition of affairs rendered the knowledge desirable, or rather indispensable. Even then, however, they learnt it only from this consideration, and not as the elements of a higher intellectual culture.[3] On the other hand, music formed part of the regularly prescribed instruction, and was regarded as a most valuable means, not only of agreeable amusement, but also of moral culture, in so far, that is, as it remained true to the character which was a special peculiarity of the Dorian style, which, with the manly dignity of its rhythm, and the moderating simplicity of its harmony, had the effect of disposing the soul to a corresponding mood and disposition. On this account innovations and refinements in music were regarded with distrust, and sometimes met with a very summary rejection.[4] The boys and young men were not only taught to sing those songs, the matter of which was in correspondence with the spirit of the State, but probably also learnt the use of the musical instruments themselves—the cithara and the flute.[5] On festal occasions, choral bands of

---

[1] Plutarch, *Ag.* c. 1.

[2] *Panath.* § 209.

[3] This is proved by Plutarch, *Lycurg.* c. 16, whose evidence clearly deserves more credit than that of Grote (vol. ii. pp. 308, 309), who too zealously undertakes the defence of Isocrates. Cf. Mure, *Hist. of the Lang. and Lit. of Greece*, vol. iv. p. 33.

[4] Cf. *supra*, p. 243.

[5] The evidence for the flute, which has struck some as utterly improbable, is given by Chamæleon in Athenæ. iv. 84, p. 184. Cf. also

many voices came forward, composed of youths of various ages, who sang, in answer to one another, a kind of alternate song, of which one example still remains, which may find a place here. There were three choruses—one of old men, another of young men, and the third of boys. The chorus of old men sang first—

"We were once young men, full of courage and strength,"

to which the chorus of men reply—

"We are so now, try us if thou wilt,"

after which the boys join in—

"But we some day shall be both braver and stronger."[1]

With regard to the training of the intellect, the Spartans considered that it might be acquired in sufficient measure by life itself, and by the opportunities which presented themselves in daily intercourse for exercising influence on the boys, and that therefore no special instruction was needed. Accordingly no schools existed, but the boys were frequently taken to the public mess-tables of the men, in order that they might listen to their conversations, in which subjects of the most diverse nature were discussed—at one time public affairs, praiseworthy or reprehensible deeds in peace or war; at another, cheerful badinage or witty repartee among the members of the mess—a mode of amusement to which the Spartans were much inclined. The god of Laughter had his altar at Sparta, no less than the god of Obedience.[2] In these conversations even the youths themselves were obliged to take a part; they were called upon for their opinion, for which they were then either praised or corrected; and they were also expected to make ready and telling replies, requiring wit and presence of mind to catch questions and raillery. In this every unnecessary word was to be dispensed with, and they were taught to say as much as possible in the fewest possible words.[3] Apart from this, however, every older man stood to the younger in the relation of teacher to scholar, of superior to subordinate. He might call him to account for his conduct or pursuits, correct, censure,

---

Arist. *Pol.* vii. 6. 6. The anecdote in Plutarch, *Apophth. Lac.* no. 39, is without value as evidence. The Spartan there expresses himself to the same effect as Themistocles on one occasion, Plut. *Them.* c. 2.

[1] Plut. *Lyc.* c. 21; *Instit. Lac.* c. 15.

[2] Γέλως and Φόβος.—Plut. *Lyc.* c. 25; *Cleom.* 9.

[3] Plut. *Lyc.* c. 12, 19.

and even punish him; and if a boy by any chance complained to his father of a punishment so received, he would be sure to expose himself to a still severer punishment from him.[1] For children were supposed to belong not so much to the individual as to the State, and all older men were equally regarded by the younger as their fathers. Hence the Spartan youth, with all their developed strength, and all the ambitious emulation which they displayed among their contemporaries, were nevertheless, in the presence of their elders, modest and respectful in a degree which excited the admiration of the other Greeks. One panegyrist of Spartan institutions adduces this State as a proof that the male sex is not less adapted to discipline and morality than the female; for a Spartan youth was never forward, but silent as a statue; never looked boldly round him in the streets, but scarcely raised his eyes; and walked not in a careless attitude, but at a moderate pace, and with his arms under his mantle.[2]

Special mention, however, must be made of the influence in training and education which the Spartans expected from the personal union between a mature man and a youth, and which the most unimpeachable testimony affirms to have been justified by experience. This union was probably called by the more general name of Paiderastia, though it was something purer and better than is usually implied by this name. It is certainly true that a sense of pleasure in bodily beauty may have influenced the man in his choice of a favourite boy or youth, but his love was only intended to develop in its object all the goodness and beauty within, which his exterior seemed to promise, or, in other words, to train him for that which, in Spartan eyes, was considered the ideal of manly excellence. This is probably implied in the other appellations given to this relation. The lover is called *εἰσπνήλας*, the inspirer, because he sought to fill the soul of his favourite with love, which, though directed to himself personally, was so only in so far as he offered himself as a guide and pattern in endeavours after all excellence. The beloved youth was called *ἀΐτας*, or "the listener," because he gave ear to the voice of his advising and protecting friend.[3] It was considered as a slur upon a young man if no man found him worthy of his love; while it was a reproach for the man if he did not choose some youth for his favourite.[4] But whoever entered upon a union of this kind

[1] Xenoph. *rep. Lac.* c. 6. 1, 2.
[2] *Ib.* c. 3. 4.
[3] Cf. Schömann on Plut. *Cleom.* p. 181 *seq.*
[4] Ælian, *Var. Hist.* iii. 10; Cic., quoted in *Serv. ad Verg. Æn.* x. 325.

was then held responsible for guiding the youth of his choice in the right way; while he was himself regarded as liable to punishment for any offences committed by him.[1] On the other hand, if any one dared to sully the purity of the relation by sensuality or obscenity, he was regarded as dishonoured, and was visited with general contempt to such a degree that he was unable to bear it, and he either sought a voluntary death, or lived on in utter wretchedness.[2]

For the girls also there was ordained by the law a gymnastic and musical education similar to that of the boys,[3] although no details are stated with regard to its arrangement. We may however probably assume that here too corresponding regulations were in force, and that therefore the girls were distributed into bands and companies and various classes according to age, that certain definite stages were prescribed for the various exercises, and that a supervision was exercised by the Paidonomi, Bidyi, and the like. We have express evidence that girls were trained in running, leaping, wrestling, and throwing the spear and discus, while they must certainly have learnt various dances, since on festal occasions they appeared in bands as *danseuses*, and we may infer the same with regard to singing, since it was they who had to sing the choral odes.[4] It can hardly be doubted that their places of exercise were separated from those of the boys, and also that admittance to them was not freely granted to any one who chose to demand it.[5] There were, however, public contests and games in which young men and girls were spectators of each others' performances, and we learn that on these occasions the praise and applause, or censure and derision, which was pronounced or sung by the girls on the young men was regarded by these as no small spur or incitement. All this, as may well be conceived, gave great offence to the other Greeks, among whom the women, especially the unmarried girls, were kept secluded and apart from all intercourse with the other sex. Hence a hardy, daring Spartan wench, as compared with a delicate, bashful Athenian maiden, seemed to them a completely unwomanly spectacle. Nor did their lighter clothing escape censure, consisting as it did of a chiton without sleeves reaching

---

[1] Ælian, *ad loc. cit.*; Plut. *Lyc.* c. 18.

[2] Ælian, iii. 12; Plut. *Inst. Lac.* c. 7.

[3] Xen. *rep. Lac.* c. 1. 4.

[4] Plut. *Lyc.* c. 14; Plat. *Legg.* viii. p. 805.

[5] Cf. Müller, *Dorians*, vol. ii. p. 328, Eng. tr., and Hermann on Becker's *Charicles*, p. 178. The passages adduced on the other side by Trieber, *op. cit.* p. 64, I cannot regard as valid evidence.

down nearly to the knees, and divided below at the sides,[1] so that much was exposed to view which is elsewhere carefully concealed, and which therefore might appear calculated to excite sensuality. Notwithstanding this, however, we hear of no sexual licence among the Spartan youth, though its critics would certainly not have failed to report it to us if anything of the kind had been of frequent occurrence. That which when concealed, and only seen by stolen glances, excites the imagination, loses its effect on those who see it every day unhindered, and in this way the Spartan youths and maidens could see one another in various degrees of nudity without feeling their blood stirred at the sight. The Spartan mode of education then cannot be said to have made the maidens licentious, though it did probably have the effect, which Lycurgus had in view, of making them the strongest and, at the same time, the most beautiful women in all Greece. The beauty, indeed, of the female sex at Sparta is celebrated;[2] in Aristophanes the Spartan woman Lampito is represented as on this account exciting the jealous admiration of the other women among whom she appeared.[3] It remains to mention that unions between older women and young girls, similar to that between men and boys, were not unusual in Sparta.[4]

We are not informed by our authorities at what age the education of the girls was regarded as finished. That of the young men extended to their thirtieth year, since up to that age they were retained in their distinct divisions, and made to continue their prescribed exercises under the supervision of the Bidyi.[5] On attaining their eighteenth year they quitted the divisions of the boys, and were now until their twentieth year called μελλείρενες (or μελλίρανες) or "the coming youths"[6] (εἴρενες). During this interval they were apparently employed in the service of the above-mentioned Crypteia,[7] while their obligation to regular service in the army only began on the completion of their twentieth year. From this to their thirtieth year they were called εἴρενες (ἴρανες),[8] the younger being

[1] Hence σχιστός χιτών, and the name given to Spartan maidens, φαινομήριδες —Pollux, vii. 54, 55; Plutarch, comp. *Lycurg.* c. *Num.* c. 3.

[2] Cf. Athenæ. xiii. 20, p. 566; Strab. x. p. 449.

[3] Aristoph. *Lysistr.* v. 78 *seq.*

[4] Plut. *Lyc.* c. 18.

[5] Pausan. iii. 11. 2.

[6] This name, however, was apparently used in a more general sense of the boys who were approaching the age of young men, *i.e.* their twentieth year, Plut. *Lyc.* c. 17.

[7] *Vide supra*, p. 195.

[8] Plut. *Lyc.* c. 17. According to the *Etym. Mus.* p. 303, 37, the name is said to have originally signified those of full age who were entitled to speak (εἶραι) at the assemblies. It was probably an altogether Doric word, for which reason the Spartan assigned it to young men of twenty years of age, although they were really first

described as πρωτεῖραι (πρωτίρανες), the older as σφαιρεῖς, possibly from σφαῖρα, a ball, because some kind of game with a ball which, through its numerous variations, produced a high degree of versatility and activity, occupied an important place in the exercises practised at this age.[1] From their thirtieth year onwards they were ranked among the men, and were only now allowed to set up a house of their own, although it was no unusual thing for them to marry even before this age. This, however, did not exempt them from the duty of regularly appearing for their meals in that division of their contemporaries to which they belonged, or of performing the prescribed exercises and passing the night in the common sleeping-quarters, so that they were only able to visit their wives by stealth, and for a short time.[2] Marriage was demanded by the law from every citizen who was in possession of an allotment of land, as the fulfilment of an obligation towards the State. Younger sons who had not acquired possession of an estate of their own, but lived with their elder brother, and were maintained by him, could not of course be subjected to this obligation. We have already seen, indeed,[3] that as they dwelt in the paternal house in company with their brother, so they sometimes even shared his wife with him, until some kind of provision was found for them, either by adoption into a childless house, or by marriage with an heiress. Whoever omitted to marry, when he was in a condition to do so, was, as we have already incidentally mentioned, punished with a kind of atimia. He was not admitted to such feasts as the Gymnopædeia as a spectator, and was compelled at the command of the Ephors to walk through the city to the market-place on a winter day, only covered by his under-raiment, and there to sing a lampoon upon himself in which he acknowledged that he was justly punished for disobedience to the laws.[4] He had, moreover, no claim to the marks of honour which were in other cases due to older men from the young; and when on one occasion a young man refused to rise from his seat in honour of the general Dercyllidas, with the words: "Thou hast begotten no son, who

---

allowed to attend the assemblies after their thirtieth year.—Plut. *Lyc.* c. 25. With regard to the different forms, cf. Legerlotz in Kuhn's *Zeitschr.* viii. p. 53, and *vide* Leutsch. in *Philol.* x. p. 431.

[1] Phot. p. 140, 21; Pausan. iii. 146; Cf. Müller, *Dorians*, vol. ii. p. 316, Eng. tr.

[2] Plut. *Lycurg.* c. 15; *Apophth. Lac.* p. 149, 17; cf. Xen. *rep. Lac.* c. 1. 5.

[3] *Vide supra*, p. 214.

[4] The statement too which Athenæ. (xiii. 2, p. 546) makes from Clearchus may be adduced, viz., that at certain feasts the women dragged obstinate bachelors round the altar and beat them.

may some day rise to me," his conduct was universally commended.[1] Punishment was further imposed on those who married too late, or who formed an unsuitable connection,[2] by which latter expression is probably meant a marriage in which it was evident that the choice had been determined by some consideration which was inconsistent either with the proper object of marriage, or with existing laws and usages, as, *e.g.* if a man disdained a poor girl from a kindred family in order to gain a rich one.[3]

It may be assumed as certain, from the analogy of other systems of legislation, even without express testimony, that legal marriages could only take place between full citizens. It is expressly testified, indeed, with regard to the members of the Heraclid gens, that marriages with foreign women were forbidden them, or, in other words, that such marriages were not only legally invalid, but even liable to punishment; while the marriage of king Leonidas II., about the year 242 B.C., with a foreign wife, was made a valid ground for his deposition.[4] Whoever desired a maiden in marriage was obliged first of all to apply for the consent either of her father, or of the kinsman under whose authority she stood.[5] With regard to heiresses, when there was any dispute as to who was best entitled to marry them, the decision lay with the kings.[6] Dowries were forbidden by law,[7] although in later times, when many had acquired the possession of greater wealth, this restriction was no longer observed; and especially, after the law of Epitadeus had conferred the right freely to dispose of the allotments of land, daughters belonging to families which were in possession of several estates were even provided with these. The consequence was that, since wealthy fathers always preferred to choose rich sons-in-law, the tendency of landed property to accumulate more and more in a few families was not a little strengthened.[8] Whoever had gained permission from the guardian of the maiden to take her to wife then proceeded to take possession of his bride by means of a kind of forcible abduction.[9]

---

[1] Plut. *Lyc.* c. 15.

[2] Δίκη ὀψιγαμίου and δίκη κακογαμίου. Pollux, iii. 48; viii. 40; Stobæus, *Flor.* tit. 67. 16.

[3] Plut. *Lysand.* c. 30, extr.

[4] *Ib. Ag.* c. 11.

[5] Ælian, *Var. Hist.* vi. 4.

[6] *Vide supra*, p. 229.

[7] Plut. *Apophth. Lac.* p. 149; Ælian, *Var. Hist.* vi. 6; Justin. iii. 3.

[8] Cf. Arist. *Pol.* ii. 6. 11. In Lysander's time, however, no dowries appear to have been given, if we may trust to the narration of Hermippus in Athenæus, xiii. 2, p. 555.

[9] Hermippus in Athenæus, *loc. cit.*, alludes to another custom. The maidens were shut up in a dark room together with the young men, who were supposed each to carry off one. This may possibly sometimes have occurred. Neither custom is men-

He bore her off from the midst of her companions, and conveyed her to the house of some female relation, who, in the capacity of a *Νυμφεύτρια*, took charge of her, and led her to the bridal chamber, where she cut off her hair, put on her a man's cloak and shoes, laid her on a bed composed of rushes, and then took away the light, bidding to await what was to follow. The young man, if, as was usually the case, he was not yet over thirty years of age, could only visit her by stealth, and for a short time; and in this way, in the opinion of the legislator, excessive indulgence in one another's society, of which there is always a danger in young couples, was avoided. Accordingly it might frequently happen that a young man and his wife might have had several children without ever having seen one another by day.[1] No express evidence is afforded of sacrifices or other religious ceremonies at the commencement of the marriage, though it is inadmissible to conclude from this fact that nothing of the sort existed. On the contrary, it would certainly not have remained unnoticed if, in opposition to the universal Greek usage, Spartan marriages had entirely dispensed with every sort of religious consecration. These religious proceedings, however, were no doubt of an exceedingly simple character; and all the rites, which elsewhere were associated with the solemn conveyance of the bride to her new home, must of necessity have been omitted in Sparta. More than this, it cannot be denied that the legislature regarded marriage chiefly, if not exclusively, from a political point of view, as a means by which families might be continued, and the necessary number of citizens not diminished. This point, however, is common to the Spartan legislation with all others, although it was here most logically and completely carried out. Hence the dissolution of a marriage, if through the failure of children its object had been unattained, was not only easily effected, but was even ordered by law. King Anaxandridas, whose wife had borne him no children, but whom he loved, and therefore refused to divorce, was induced, by the command of the Ephors, to take a second, and to maintain a double household, his two wives living in separate houses.[2] Similarly, about the same time, king Ariston determined for the same reason to take a second wife; and when she also bore no children, he even chose a third, although in this case, it is

---

tioned in Xenophon, from which it may be inferred that in his time the custom mentioned by Hermippus was at least not a universal one. The abduction he might have passed over, since it was evidently only a formality.

[1] Plut. *Lyc.* c. 15; cf. Xen. *rep. Lac.* c. 1. 5.

[2] Herod. v. 39; Pausan. iii. 3. 7.

true, one of the other two was put away.[1] These, however, were exceptions from the usual custom, and were only permitted in order to reconcile some regard for the personal feelings of the kings with due care for the continuation of the royal house.

In other cases a man was permitted to marry only one wife, though it is probable that a species of Dyandry, or even of Polyandry, was tolerated by custom among the women. For not only did it sometimes occur, as already remarked, that several brothers lived with one wife in common, but it was also not considered objectionable for an older man, who no longer felt himself capable of his marital duties, to make over his privilege to a younger and more vigorous friend. It sometimes even happened that a man who was more attracted by his friend's wife than by his own, was allowed by his friend to participate in his marital rights.[2] Nor was it regarded as illegal or disgraceful for citizens to hand over their wives to non-citizens, provided that they were men from whom it was likely that vigorous children would be produced.[3] Whether, as some suppose,[4] the cases in which this was or was not allowable were distinguished with sufficient accuracy by usage and custom, must remain an undecided question. The statements of the ancients at least afford us no means of judging, and it in all probability depended on the idea which each individual conceived, as to how strict or how lax he ought to be on this point. When, therefore, we are assured that adultery on the part of woman was rare or unheard of at Sparta,[5] we must evidently understand this only of adultery in which the wife was seduced into infidelity without the knowledge or wish of her husband, and that cases of this kind rarely occurred we may well believe. The wife, however, to whom overtures were made, felt herself probably by no means insulted, but referred the lover to her husband, whose will she was bound to follow.[6] Nevertheless, apart from this unworthy treatment of the marriage relation, the women in Sparta enjoyed a higher degree of esteem than in the rest of Greece. The mode of their education placed them on a closer footing with the men: they were from their youth up accustomed to regard them-

[1] Herod. vi. 61 *seq.*

[2] Xen. *rep. Lac.* c. 1. 7, 8; Plut. *Lyc.* c. 15.

[3] Nicol. Damasc. in C. Müller, *Fragm. Hist. Græc.* iii. p. 458; Hesych. Phot. Suid. *sub voc.* Λακωνικὸν τρόπον, where, it is true, the case is exaggerated.

[4] Müller, *Dorians*, vol. ii. p. 302.

[5] Plut. *Lyc.* c. 15.

[6] Cf. Plut. *Apophth. mul. Lac.* tom. ii. p. 188, Tauch., where a Spartan woman gives an answer to this effect.

selves as citizens, and to take the most lively interest in all public affairs; and many instances show that in courage and patriotism, in the surrender and subordination of all personal interests and inclinations for the good of the commonwealth, and, in short, in the characteristics of the genuine Spartan citizens, they by no means fell short of their husbands. By this means they of necessity gained the honour and esteem of the men; their approval or blame exercised a powerful influence, and their voice was not disregarded even in those matters which in other States were looked upon as lying entirely outside the sphere of the feminine judgment; so that, indeed, the influence which they exercised on the men appeared to the other Greeks so great that they sometimes openly described it as feminine rule (γυναικοκρατία).[1] In fact, however, that which they so described was simply the natural consequence of the higher social position of women, which, it is true, far exceeded the standard which seemed fitting to the other Greeks, though certainly not that which women have acquired in the modern nations of the West. For although culture is a very different thing with us from what it was to the Spartans, yet the distinction between the two sexes, in all the points which are regarded as the really essential points of culture, is certainly not greater among us than it was with them; and the assured position of women in society, as well as the influence which they thereby exercise in so many ways, would no doubt have appeared to an Athenian of the best days of his State as a kind of Gynæcocracy. But just as with us the higher social position of women is far from taking them away from their most peculiar and natural functions of housewives and mothers, so in Sparta no such results followed. Here also the woman, immediately upon her marriage, found her proper duties, first and before all things, in her household, as is implied in the title of μεσοδόμα, which, according to Hesychius,[2] was given among the Laconians to the housewife. It is, moreover, stated by Plato, that although the women of Sparta were not, as in other places, employed in spinning and weaving,—occupations which were left to the slaves,—yet nevertheless their life was filled with multifarious cares for the family and household.[3] When a captive Laconian woman was asked in what her knowledge consisted, she replied, "In managing the house well;" while another answered the same question with the words, "In being faithful and trustworthy."[4] Gymnastic and musical exercises

[1] Plut. *Lyc.* c. 14; *Ag.* c. 7.
[2] Tom. ii. p. 579.
[3] Plato, *Legg.* vii. 12, p. 805, 6.
[4] Plut. *Apophth. mul. Lac.* p. 188.

were discontinued by the housewife, although she no doubt took no less keen an interest in those of her daughters than her husband did in those of the sons. Intercourse with men was less free for the women than for the girls; and the saying of Pericles,[1] that the greatest glory of a woman consists in being least spoken about by other men, either for good or for evil, may also be applied to Sparta.[2] Married women, moreover, even here, never appeared in public unveiled, although girls were allowed to do so. One Spartan, on being asked the reason of this, replied, "Because girls have first to seek a husband, but wives only to retain their own,"[3]—an answer which at least shows how the relation was conceived. It may also serve as a proof that in Sparta, more than in other parts of Greece, the choice of a wife was determined by personal inclination and admiration of the maiden's charms, although no romantic love must be supposed to have been felt by the Spartan youths, in the sense of the modern refinement of the feeling, which often degenerates into a morbid tenderness. Nor should we be more correct in imagining any domestic life to have existed, in the modern meaning of the words, where the house usually constitutes for the man his world, or at least the most important part of the world; while, on account of his anxiety for his domestic life, he puts public matters from his thoughts, and is sometimes expected to do so of set purpose. In Sparta the State was the first object, the house only the second, and the latter only possessed value and importance in so far as it also served the interests of the State.

This idea also underlay the constitution of Syssitia, or public dining-clubs for men (*ἀνδρεῖα*),[4] by means of which the domestic life with wife and children was certainly impaired; as a recompense for which, however, the citizens were accustomed, in Plutarch's words, to feel themselves, like bees, closely bound to one another, simply as members and portions of one common whole, for which they professed to live rather than for themselves.[5] Participation in these Syssitia was an indispensable duty for every Spartiate as soon as he had passed his twentieth year, and was incorporated as an *Εἴρην* among those who were bound to military service as hoplites. The only exception was made in the case of the overseers of the boys' divisions, who took their meals, not at the Syssitia, but with the boys of their

---

[1] Thuc. ii. 45.

[2] *Vide* the opinions of Arigeus and Euboidas in Plut. *Apophth. Lac.* pp. 122, 130.

[3] Plut. *Apophth. Lac.* p. 161.

[4] Arist. *Pol.* ii. 7. 3.

[5] Plut. *Lyc.* c. 25.

division.[1] Even the kings were not allowed to absent themselves from the Syssitia; and when on one occasion Agis, after his return from the war with Athens, desired that his portion might be sent to his house from the public dining-room, in order that he might eat it at home with his wife, his request was refused.[2] Both kings took their meals in the same building,[3] and their table-companions were the same men who formed their immediate retinue in war. The only privilege they possessed over all other citizens consisted in the fact that they received double portions, part of which they might bestow on those to whom they wished to show honour. The expenses of the royal table were paid by the State;[4] all other citizens, however, were bound to pay a fixed contribution every month towards the Syssitia, consisting of a medimnus of barley or meal, eight choæ of wine, five minæ of cheese, two and a half pounds of figs, and beside this some trifling sum of money, amounting to about ten Æginetan obols.[5] Whoever refused to pay this amount, or was unable to do so through poverty, was excluded from the number of ὅμοιοι or full citizens.[6] Those who were present in the city were only allowed to absent themselves from the public meals on certain definite grounds of exemption, as, *e.g.* if they were celebrating a domestic sacrifice, or had returned home late from hunting.[7] It however not unfrequently happened that many, no doubt after previously giving notice, and obtaining permission, remained absent from Sparta in the neighbouring country for a still longer interval.[8] An occasional supervision of the Helots on their estates was certainly not superfluous, and in addition to this, hunting,—an amusement and exercise to which the Spartans were exceedingly inclined, and in which they were even encouraged by the laws to take part,[9]—could of course not always have employed them in the immediate neighbourhood of the city, but often led them to a greater distance, to where Taygetus and its ranges provided forest and game in abundance, the latter consisting of

---

[1] This appears from Plut. *Lyc.* c. 17, 18, and that all the other young men took part in the Pheiditia, from c. 15. Cf. also Xen. *rep. Lac.* c. 3. 5.

[2] Plut. *Lyc.* c. 12.

[3] So the word συσκηνεῖν, in Xen. *Hell.* v. 3. 20, must be understood with Haase, *ad Xen. rep. Lac.* p. 253. Cf. Plut. *Ag.* c. 20.

[4] Xen. *rep. Lac.* 15. 4.

[5] This is the amount stated by Dicæarchus on Athenæ. iv. p. 141 B. With regard to the payments in kind he does not altogether agree with the statement in the text, which is taken from Plut. *Lyc.* c. 12; however, the subject is too unimportant to merit a more detailed discussion.

[6] Arist. *Pol.* ii. 6. 21.

[7] Plut. *Lyc.* c. 12.

[8] These are the ἐν τοῖς χωρίοις spoken of in Xen. *Hell.* iii. 3. 5.

[9] Xen. *rep. Lac.* c. 4. 6, with Haase's note, p. 112; Liban. i. p. 230 R.

wild boars, for the hunting of which the Laconian breed of dogs was especially adapted. We have express evidence that the Spartans had storerooms on their estates, which in all probability were specially intended to keep on the spot all the requisites necessary for their occasional residence there, just as for the same reason they kept in them horses and dogs for their use. With respect to these things, however, some kind of common ownership was recognised, since there was nothing to hinder any Spartan in case of necessity from making use, on the estate of some other man, of the horses and dogs which he might find there, or even from employing the Helots, or opening the store-chambers, although the latter he was bound to close up again with his own seal.[1] We must return, however, to the Syssitia.

In early times the Spartans, like the Homeric heroes, sat at table without reclining.[2*] The Oriental custom of reclining first found its way among them at a later though uncertain date, though even then they reclined, not like the other Greeks upon cushions and carpets, but upon simple wooden seats.[3] The Syssitia however appear to have retained the name of φιδίτια or Fιδίτια (sittings)[4] from the ancient custom of sitting, even after it had ceased to be appropriate, as is frequently the case with terms of this nature. About fifteen persons, more or less, took their meals at each table, while admittance into a mess took place by the free election of the members by means of crumbs of bread, which were thrown into a vessel carried round by an attendant, and which were rolled up into balls or left loose, according as the voter was for or against the admission.[5] We are therefore unable to suppose the existence of any arrangement in accordance with tribal divisions or districts and place of residence. On the contrary, all relations and interest based on family ties or local footings were as far as possible suppressed, and each citizen, quite independently of such considerations, could choose for his table-companions those

---

[1] Xen. *rep. Lac.* c. 6. 3, 4; Haase, p. 137 *seq.*

[2] Varro on *Serv. ad Verg. Æn.* vii. 176.

[3] Phylarchus, quoted in Athenæ. iv. 20, p. 141; Ath. xii. 15, p. 518; Suid. *sub voc.* Λυκοῦργος and φιλίτια.

[4] This explanation is certainly new, but not, I hope, worse than the earlier attempts, some of which are very absurd. Many words were pronounced with the *F* by the Spartans which elsewhere show no trace of it, while the change from ε to ι is also found in ἴζω, ἰδρύω. Supposing that the Spartans pronounced it as Fιδίτια, the other Greeks might easily have taken this for φι δίτια, and broadened it into φειδίτια. Moreover the word φειλώλιον cited by Hesychius as = δίφρος or σφέλας is certainly nothing else than Fιδώλιον, Fεδίωλιον, ἑδώλιον.

[5] Plut. *Lyc.* c. 12.

who pleased him best. On this account admission could only be granted when all the electors were unanimous. Those, moreover, who at home were members of the same mess, in war shared the same tent, and accordingly the mess-rooms were called by the same name, *σκηναί*, which was given to the tents in a camp, while the same Polemarchs who commanded the different regiments in war also exercised supervision over the Syssitia in time of peace. The food was, as may be conceived, in the highest degree simple. The chief article of diet every day consisted of the celebrated black blood soup, *αἱματία* or *βαφά*, a sort of *haggis* made from pork, the flesh being cooked in the blood, and seasoned merely with vinegar and salt.[1] Of this each person had his own peculiar portion set before him. Barley-bread, however, was unrestricted in quantity, and even wine was supplied in sufficient quantity to satisfy a tolerably strong thirst. Intoxication, however, was regarded as disgraceful.[2] As dessert, cheese, olives, and figs were allowed. The members of the mess, however, were not prohibited from providing some extra delicacy, such as a piece of venison, or a fowl or fish, or a wheaten loaf, which were in such a case handed round after the ordinary meal as a second course (*ἔπαικλον*).[3] Contributions of this kind were sometimes, as we have remarked above,[4] imposed by way of penalty for slight offences, although the rich, or those who had returned with some prize from the hunt, often made them voluntarily.[5] There were, moreover, in Sparta festal banquets in which the daily custom of the Syssitia was departed from, especially on occasion of sacrificial feasts. These were sometimes public, like those of the Hyacinthia, Carneia, Tithenidia, and others, sometimes private, when they were called *κοπίδες*, or battle-dishes.[6] There is no doubt, however, that even these were exceedingly frugal, and although some other kind of meat was substituted for the black broth, and wheaten pastry was provided instead of barley-bread, yet in other respects the difference was probably not great, and the Sybarite, who remarked that he was not surprised that the Spartan should face death so boldly in war, since a mode of life like theirs was scarcely preferable

---

[1] Plut. *Præcepta Sanitatis tuendæ*, c. 12.

[2] Xen. *rep. Lac.* c. 5. 7; Plut. *Lyc.* c. 12, extr. From c. 18 we gather at least as much as this, that intoxicated Helots were shown to the boys in order by their example to prove to them how men may be degraded by drunkenness.

[3] Athenæus, iv. 19, p. 141.

[4] See above, p. 252.

[5] Xen. *rep. Lac.* c. 5. 3.

[6] Athenæus, iv. 16, 17, p. 138 *seq.*

to death,[1] probably from his own point of view had good reason for his judgment, especially since he had in his mind not merely the bad cookery of the Spartans, but also the other hardships of their life, and the absence of all comforts and enjoyments. In Sybaris, on the contrary, it was these things which alone were thought to give to life its proper worth, whereas the Spartans were compelled by the laws to limit themselves to the most necessary requirements. Thus the same apparel was prescribed for the richest as for the poorest, and the threadbare tunics of the Spartans often enough served as a subject of mockery to the other Greeks. They themselves, however, probably considered this as one of their great merits, and were as proud of their shabby dresses as Agesilaus was of his frugality, when in Egypt he ordered the delicacies which were set before him to be given to the Helots, and took for himself only the plainest fare.[2] Indeed, the cynic Diogenes was probably not far wrong when, on seeing at Olympia some Rhodian youths in magnificent robes and some Spartan lords in soiled and threadbare raiment, he declared that both were instances of vanity, though in different ways.[3] The clothing of the Spartan citizen consisted in a mantle-shaped outer coat of grey cloth, and short cut, without clasps or bands, and this the young men from their twelfth year were obliged to use as their only garment, while even older men frequently desired no other. The under garment, also made of grey wool, was not unlike a modern shirt, and descended as far as the knees, but was made without sleeves. The covering for the feet consisted in a single sole with a smooth border, on to which the straps were fastened, with which the soles were tied on. Boys and youths were obliged to go barefoot, while men often did the same, only wearing shoes on festal occasions, or when they took the field. The Spartan sandals were regarded also in the rest of Greece as a very suitable covering for the feet, and were frequently worn, made indeed more ornamental, but with the same cut; those of Amyclæ were especially celebrated.

The head also was usually left uncovered by the Spartans, who frequently let the hair grow long, after the manner of the long-haired Achæans. This was intended, according to a pretended decision of Lycurgus, to add to the beauty of the handsome, and to lend a formidable appearance to the ugly.

[1] Athenæus, iv. 15, p. 138, and xii. 15, p. 518; Stobæus, *Floril.* tit. 29, 96.

[2] Plut. *Ag.* c. 36.

[3] Ælian, *Var. Hist.* ix. 34. Cf. also the opinions of Arist. *Eth. Nicom.* iv. c. 13. With regard to the particular details of the Spartan dress, it is sufficient to refer to the passages in Meursius, *Miscell. Lacon.* i. c. 15-18.

There was no law, however, ordering the hair to be left uncut; it was rather a privilege granted to men, on passing out of the age of boyhood and, youth, in which they were compelled by law to cut it short. Many retained this habit, even as men, possibly on account of its greater cleanliness.[1] For this purpose, as well as for the hardening and strengthening of the body, it formed a part of the daily regulations to take a cold bath in the Eurotas. To this there was added from time to time a vapour-bath to produce perspiration, but hot-water baths were considered enervating, and were forbidden by law, or at least were never customary. The beard was invariably left unshaved; the hair was allowed to grow both on the chin and the upper lip, though on one occasion the Ephors for the time being gave orders, on entering on their office, that every citizen should shave off his moustache, either, as some suppose, in order to exhort them to obedience even in such trifling matters, or, as others think, on account of a certain symbolical meaning attached to the moustache as a sign of independent liberty.[2] We are now able to represent to ourselves a tolerably distinct picture of the Spartan citizen, though we must not omit to mention the stout staff which he invariably carried in his hand, and which he occasionally employed as an instrument of correction, not only on the Helots, but also on the young people of his own station.[3] We can well believe that, notwithstanding this simplicity and absence of adornment, there was a certain beauty and dignity in their appearance, but when we listen to the expression of the other Greeks, the Laconians are made to appear uninteresting, rough, and slovenly. All cosmetic arts and contrivances were excluded from Sparta. Not only were ointments, which in the rest of Greece were considered indispensable to rub into the skin after bathing, forbidden here to be either prepared or used, but even coloured garments were not tolerated, with the exception of the purple robes of the king.[4] The dress of the citizen accordingly in time of peace consisted merely of undyed wool.

The dwellings of the Spartans were, like their dress, of an exceedingly plain and simple character. A rhetra of Lycurgus is adduced,[5] according to which no tools were to be employed for the

---

[1] Cf. Plut. *Alcib.* c. 23, where the ἐν χρῷ κουριᾶν is cited as one of the things by which Alcibiades had made himself like the Laconians. It is clear from Xen. *rep. Lac.* c. 11. 3, that the κομᾶν, although very usual, was not prescribed, but permitted.

[2] Plut. *Cleom.* c. 9; cf. Müller, *Dorians*, vol. ii. p. 287, Eng. tr.

[3] Dionys. *Ant. R.* xx. 2.

[4] Athenæus, xv. 34. p. 686 extr.

[5] Plut. *Lyc.* c. 13.

roof and doors except the axe and saw, and accordingly all the woodwork was to consist of roughly-cut beams and planks. Thus on one occasion when Leotychides perceived in the house of some foreign host some carefully carved timber, he inquired with assumed astonishment whether the trees grew in angles in those parts.[1] The household furniture corresponded of course with this simplicity, for, as Plutarch says, no one probably was so perverse and foolish as to introduce into a house of this kind beautiful or ornamental settles, purple carpets, golden vessels, or other precious things of this kind. Even the possession of the precious metals was interdicted to the citizens by law, and when in later times gold and silver money was universally employed in the rest of Greece, Spartan citizens were still forbidden to own it, although it is true that the State could not dispense with it, and that the kings no doubt possessed it. It is also evident that the Perioeci must have employed gold and silver money, in order to carry on their trade with foreign lands, while it is certain that the taxes paid by them did not merely consist in raw produce or iron money. As a medium of exchange, however, for inland traffic only, iron money was in use, at first uncoined, and subsequently in round coins called *πέλανοι*, or "pancakes," which, though weighing an Æginetan pound, were only equivalent in value to a half-obol, since the iron, by means of a certain preparation, was intentionally rendered useless for any other purpose.[2] It is evident that in return for this kind of money no object of value could be attracted out of foreign lands; it could simply have been employed within the country itself for trifling sums, and even so, only for the rectification of small balances, since trade principally consisted in the barter of the raw materials.[3] The strictness, however, with which this prohibition was retained in force until the period immediately succeeding the Peloponnesian war is proved by the fact that Thorax, one of the friends and colleagues of Lysander, was punished with death for transgressing it.[4] The ground of the prohibition, moreover, is not far to seek. It was intended to exclude not only the merchants of foreign lands, but also the seductive attractions of foreign manners, and so to preserve the simplicity and contentedness of the ancient Spartans in unalloyed purity. The same intention underlies the law by which every Spartan, or at least every one whose age still subjected him to military

[1] Plut. *ad loc. cit.*; *Apophth. Lac.* p. 147; *ib.* p. 103, where the same is related of Agesilaus.

[2] Plut. *Lyc.* c. 9; *Lysand.* c. 17; Hesych. *sub voc.* *πέλανορ.*

[3] Justin. iii. 2.

[4] Plut. *Lysand.* c. 19.

service, was prohibited from travelling in foreign lands without special permission from the Ephors.[1] For similar reasons, even at the time of the Peloponnesian war, when the Spartans frequently had occasion to send some of their members as commanders to the dependent towns, it was only men of mature or advanced age who were intrusted with these commissions, all deviations from this rule being censured as illegal.[2] Emigration was unconditionally prohibited, and whoever acted contrary to this prohibition was, on his return, punished with death.[3] No foreigners were allowed to settle in Sparta as resident aliens, and though temporary residence was not refused them, they were subject to careful supervision, and as soon as their presence appeared inadvisable to the Ephors they were at once expelled. In this respect therefore the Spartans only pursued the course taken in many of our modern States, in which a police supervision is exercised over foreigners with suspicious care; although in the opinion of the other Greeks their solicitude appeared excessive, and was on that ground often censured.[4] It may however be perceived from many statements that at certain times Sparta was visited by a considerable number of foreigners, as, *e.g.* at festivals associated with athletic contests, which spectators from foreign States usually attended in large numbers.[5] And when we read that on one occasion an expulsion of strangers (*ξενηλασία*) took place on account of the rise of the price of food,[6] this certainly implies a considerable number, and a lengthened residence, since it would have served no useful purpose to take such a measure against a few foreigners residing only for a few days. In the case of several foreigners distinguished by their wisdom or artistic gifts, it is well known that they resided in Sparta for a considerable period, and were treated with great honour, as, *e.g.* the Cretans, Thaletas, and Epemenides, Terpander of Lesbos, Pherecydes of Syros, Theognis of Megara, and others.[7] It is true that those who corrupted ancient customs were not tolerated, such as the musicians Phrynis and Timotheus, or the Sophists, who by means of their subtile criticisms undermined

---

[1] Isocr. *Busir.* § 18; Harpocr. in *καὶ γὰρ τὸ μηδένα.*

[2] Thuc. iv. 132.

[3] Plut. *Ag.* c. 11.

[4] Cf. Thuc. i. 144, ii. 39; Schol. Aristoph. *Av.* 1013; *Pac.* 622. Göttling rightly remarks (*Gesammte Abhandlungen*, p. 323) that the word *ξενηλασίαι* only appears in the best authors in the plural, because it denotes rather certain measures which occurred from time to time than a fixed ordinance for all time.

[5] Cf. Plut. *Ag.* c. 29; Cimon. c. 10; Xen. *Mem.* 1. 2. 61.

[6] Theopomp. quoted by the Schol. Aristoph. *Av.* v. 1013.

[7] Plutarch, *Ag.* c. 10; cf. Müller, *Dorians*, vol. ii. p. 4, note, and p. 410.

the respect paid to existing ordinances, or through the art of rhetoric instructed their pupils how to lend to falsehood the deceptive appearance of truth.[1] On the other hand, we have the testimony of Hippias, who frequently visited Sparta as ambassador from his native country of Elis, that every one was gladly listened to who narrated to the Spartans ancient histories concerning the origin and deeds of heroes, the foundation of States, or the remarkable events of antiquity.[2] So too the songs of the ancient epic poets were no less familiar and dear to them than to the other Greeks, and it is even stated that the Homeric poems were first introduced from Ionia into Greece proper by Lycurgus;[3] while one of the post-Homeric epic poets, Cinæthon, about the middle of the eighth century, though not exactly a Spartan, was nevertheless a native of Laconia. It is well known how Tyrtæus of the Attic deme Aphidnæ affected the Spartans by his political and military elegies and other songs; and that there was no lack of native poets of the same kind we infer from the names of several Laconian lyric poets which have been handed down.[4] Not the smallest fragment, however, of any of their works has been preserved, which appears to prove that their songs were not adapted to the more refined taste of the other Greeks. The only one of whom any fragments remain was Alcman, who, though he lived in Sparta, was not a native of the country. Dramatic poetry in its higher development found no congenial home in Sparta. Not only did no tragic or comic poet arise in Laconia—for this might be said of the other Greeks, with the exception of Athens—but no traces are to be found even of the representation of dramatic works in the theatre at Sparta.[5] They contented themselves with the representation of the so-called Dicelictæ, who were probably people of the lower orders without any artistic training, and who merely provided improvised imitations of a burlesque kind from the sphere of daily life.[6] On the other hand, as we have already remarked, the art of dancing was diligently practised together with music by the Spartan youths and maidens, while there were numerous festivals in which choral bands of both sexes came forward in mimic or warlike dances, and offered to the eye the spectacle of a living work of art in the rhythmical movements of the most vigorous, agile, and beautiful bodies.

[1] Athenæus, xiii. p. 611 A.
[2] Plat. *Hipp. Mai.* p. 285 D.
[3] Plut. *Lycurg.* c. 4; Ælian, *Var. Hist.* xiii. 14.
[4] *Vide* Athenæus, xiv. 33. p. 632 F; xv. 22, p. 678 B; Plut. *Lycurg.* c. 28; Pausan. iii. 17. 3.
[5] Cf. Plut. *Instit. Lac.* no. 32. p. 179, Tauchn.
[6] Müller, *Dorians*, vol. ii. p. 355.

Works of art, however, of another kind, for which the epithet of beautiful could be claimed, whether in sculpture and painting, or in architecture, were in Sparta very rare and uncommon. All works of this description which we find mentioned in Pausanias belonged to that period in which Greek art had not yet attained complete mastery over its materials, and was still inadequate for the representation of the beautiful; while it is clear from the manner in which Thucydides speaks of the temples and public buildings that they were out of all relation to the size of the city and the power of the State.[1] The fine arts reached their zenith in a period in which the Spartans had cut themselves off even more strictly than in earlier times from the development of the intellectual life of the Greek nation, owing to the continued anxiety which overpowered them lest they should be forced to quit the old traditional path, on the observance of which the existence of the State appeared to them to depend. There is therefore no cause for astonishment if they pursued this dislike and exclusion of everything foreign to a degree which appeared to the other Greeks exaggerated and injurious, and which roused their indignation or contempt. In reality, however, it is impossible to deny that subsequent to the period of the Persian wars Sparta had more and more withdrawn from the sphere of general Greek culture, and had in all respects remained behind the majority of the other States. In two points alone did it still for a considerable period retain a position of superiority, in its admirably organised military system, and its sagacious, well-considered, and consistent foreign policy.

SECTION XII.—*The System of Defence.*

Isocrates makes the Spartan king Archidamus utter the following speech:—"It is clear to every one that we obtain our eminence above the other Greeks, neither by the size of our city nor by the multitude of our population, but by the fact that we have ordered our public discipline like that of a camp, where everything fits properly into something else, and the commands of the superior officers are accurately carried into effect."[2] Plato too, in the *Laws*,[3] passes upon the Spartan constitution the judgment that it is that of a camp; educating

[1] Thuc. i. 10.
[2] Isocrates, *Archid.* § 81.
[3] Plato, *Legg.* Book ii. 10, p. 666 E-667 A.

men, it is true, to the virtue of soldiers, but not to the true civic—that is, moral and intellectual—excellence, in which the former virtue is contained, contained too in a still higher degree, but yet only as a single part of the whole. A camp Sparta may in truth be called, and the Spartiatæ a garrison, as is testified by the expression *φρουρά*. This term properly and originally denoted no more than the whole body of men liable to military service, although it is further used, in a special sense, for the reserve summoned at any time to war. Every Spartiate until his sixtieth year was *ἔμφρουρος*, *i.e.* belonged to a division of the garrison, to which we may apply the term "militia reserve" (Landwehr). For its first and most essential task was to be prepared for defence both against the subject populations at home, who were for the most part to be kept in obedience only by force, and also against enemies from abroad. The country itself, however, in some measure resembled a great natural fortress, being surrounded by mountains like walls, and offering to an enemy only a few approaches,[1] to the defence of which the garrison of Sparta, as the principal guard, could come easily and rapidly. The term militia may, it is true, be applied also to the armies of the rest of Greece; but they were militias to some extent similar to our own, consisting of men to whom for the most part arms were merely a secondary avocation, and peaceful callings their principal pursuit. On one occasion when the allies of the Spartans, under the leadership of Agesilaus, murmured that they, numerous as they were, had for ever to render military obedience to the far less numerous Spartans, the king ordered that among the multitude sitting mingled together, first the potters should stand up, then the smiths, then the carpenters, and so on with the rest of the artisans, and when almost all of the allies had arisen, but not a single one of the Spartans, he said with a laugh, "Now, you see how many more soldiers we have put into the field than you!"[2] And as soldiers in this sense—a class who, Heaven be praised! are not too numerous among us—the Spartans stood quite alone in Greece.

According to Herodotus, Lycurgus had founded Enomotiæ, Triacades, and Syssitiæ[3] for the benefit of the military system. That the Syssitia had reference also to comradeship in war, and therefore were under the supervision of the Polemarchs, has already been remarked. The Enomotiæ, as divisions of the troops, are also mentioned sufficiently often by other writers; of the Triacades we hear only from Herodotus. The name

[1] Cf. Strabo, viii. p. 366. [2] Plut. *Ag.* c. 26. [3] Herod. i. 65.

denotes a body of thirty,[1] and if Plutarch's statement is correct, that in the Syssitia, as a rule, about fifteen persons messed together, two Syssitiæ or messes would have formed a Triacas, and the Enomotiæ might then be looked upon as the next larger division, containing about two Triacades. But, at least in Thucydides and Xenophon, we do not find them so. According to the latter, on whose trustworthiness no doubt can be cast, the fighting population of the Spartans was divided into six Moræ, *i.e.* sections or divisions, partly hoplites, partly cavalry. The officers of the Mora, at least so far as it consisted of hoplites, were a Polemarch, two Lochagi, eight Pentecosters, sixteen Enomotarchs; whence it is clear that the Mora must have been divided into two Lochi, the Lochos into four Pentecostyes, and the Pentecostys into two Enomotiæ.[2] We find also, instead of the Triacades or divisions of thirty men referred to by Herodotus, Pentecostyes, or divisions of fifty; and whilst in Herodotus the Triacades seem to be subdivisions of the Enomotia, the Enomotiæ are here, on the contrary, divisions of the Pentecostys. But whether at any time Triacades were in use as divisions of troops among the Spartans is very doubtful, since Herodotus's knowledge of Spartan arrangements does not seem in general to have been very adequate, especially with regard to the military system, which the Spartans were accustomed designedly to keep secret.[3] From the name of the Pentecostys the normal strength of the remaining divisions may be calculated, as well as that of the whole Mora; the Enomotia must have contained twenty-five,[4] the Lochos two hundred, and the Mora accordingly four hundred, while all six Moræ give the total number of 2400. This then is the approximate

---

[1] Not a thirtieth part, as is supposed by Rüstow and Köchly, *Gesch. des. Gr. Kriegswesens*, p. 38.

[2] The MSS. of Xenoph. *de rep. Lac.* c. 11. 4 have moreover λοχαγοὺς τέσσαρας. This was likewise the reading of Stobæus, who has extracted this passage, *Floril.* tit. xliv. 36. I however hold (with Emil Müller, *Jahrbuch für Philol.* vol. lxxv. p. 99) that there is no doubt that the number has arisen wrongly, and by a confusion of δύο with the numerical sign δ'. For in two other passages of Xen., *Hell.* vii. 4. 20, and 5. 10 (the latter, it must be admitted, has the v.l. δέκα) *twelve* is given as the total number of the Lochi, and it is only so if each of the six Moræ consisted of two Lochi. No doubt an attempt might be made to save the former number by the assumption that each Lochus was commanded by two Lochagi, but it is obvious that this is very improbable. Similarly, it is easily seen how easy the change of the numbers was in the same connection in the passage of *de rep. Lac.*

[3] Thuc. v. 68. Pericles also has this principally in his mind, when in the funeral oration (ii. 39) he gives as a reason for the Xenelasiæ the anxiety lest strangers might learn something from the Spartans which these latter wished to keep for themselves exclusively.

[4] This number is also given by Suidas, *sub voc.*

total of the Spartiatæ who were fit for military service as hoplites at the time Xenophon's treatise was composed, *i.e.* shortly after the battle of Leuctra. In that battle the Enomotia contained thirty-six men,[1] which gives for the Mora, if we reckon it at sixteen Enomotiæ, the number of 576, or, if the officers of the different divisions are counted in, of 602, and the strength of the Mora is moreover actually given once by Xenophon as about six hundred.[2] But in the battle of Leuctra the number of Spartiatæ engaged was only about seven hundred, and yet the king, Cleombrotus, had four Moræ under his command,[3] whence it follows that the Moræ contained not only Spartiatæ, but also Periœci, and these in a majority; whether mingled in the same subdivisions with the Spartans, or in different ones, we must leave undiscussed. But it is not to be doubted that what was the case in this battle was equally so in others, and that accordingly when we read of Moræ we are to think not of Spartiatæ alone, but also of Periœci. It is therefore less surprising to find the strength of the Mora variously stated.[4] In fact, at one time more, at another fewer, men were summoned, whether Spartiatæ or Periœci, and accordingly the strength of the subdivisions, and perhaps also the number of them contained in the Mora, must also have been different. Thucydides states that in the battle of Mantinea, in the fourteenth year of the Peloponnesian war, the Lochus contained four Pentecostyes, the Pentecostys four, not two, Enomotiæ; the Enomotia, however, seems to have consisted of thirty-two men.[5] Hence a Pentecostys contained 128, a Lochus 512 men, and even if at that time a Mora consisted of two Lochi, it would not have contained less than 1024 men. Thucydides, however, says nothing of the Mora; he mentions no larger divisions of the army than the Lochus, whose strength, according to the above calculation, amounts to more than twice that of a Lochus according to Xenophon, and exceeds the Mora, consisting of two such Lochi, as Xenophon describes, by about 112 men. Since then the Moræ are not mentioned at all by any one before Xenophon, and are first mentioned by him with reference to an occurrence happening about the year 404,[6] the conjecture may be permissible that

[1] Xen. *Hell.* vi. 4. 12.

[2] *Ib.* iv. 5. 12.

[3] *Ib.* vi. 1. 1, and 4. 15.

[4] The statements vary between nine hundred and five hundred (Plut. *Pelop.* c. 17), or, if we take that of the treatise *de rep. Lac.* on the subject, four hundred men.

[5] Thuc. v. 68.

[6] *Hell.* ii. 4. 31. Niebuhr, *Lectures on Ancient History*, ii. p. 212, remarks that the Moræ of the later Spartans correspond to the Lochi of the earlier; and Haase on Xen., p. 204, notes that the two appellations are often treated as convertible.

this organisation of the army according to Moræ was first introduced in the time of the Peloponnesian war, though Xenophon, in his treatise on the Lacedæmonian State, seems to regard it as due to Lycurgus. This much however is clear, that the Mora here described by him represents a body of a definite size, and consisting entirely of Spartans,[1] so constituted, in fact, as it seldom or never was when it actually took the field. On what ground we are to explain the number six in connection with the Moræ it is difficult to say. That it was not based on the number assumed by some as permanently existing in Sparta —the number of the three ancient Doric tribes, so that each Phyle put two Moræ into the field—may with safety be concluded, from the fact that the nearest relations, fathers, sons, and brothers, nevertheless did not serve in the same Mora.[2] On the contrary, as the Syssitiæ or messes were formed by free choice of the members, so the Enomotiæ, the smallest subdivisions of the Mora, seem to have been formed in a similar manner by free choice of their members, who then united themselves by an oath with one another, and hence came the name. The combination of the Enomotiæ into Pentecostyes, of the Pentecostyes into Lochi, and of the Lochi into Moræ, might then be regulated by the kings, together with the Polemarchs, as it seemed to them desirable.

That the male population, not only of the Spartiatæ, but also of the Periœci, who served with them as hoplites, was diligently prepared and schooled for war even during peace, needs no proof. Tactical exercises in greater and smaller divisions, marches, military movements, and evolutions of all kinds, took place certainly in no less degree than upon our drill-grounds, and put the troops in a position to carry out every desired movement, every alteration of position, without confusion, rapidly, and with the greatest precision. The command proceeding from the general ran in a moment through the series of subordinate officers till it reached the Enomotarch; the common soldiers knew on every occasion what they had to do; every front-rank man led his rear-rank man truly. The

---

[1] This would be clear also if in c. 11. 4 not *τῶν πολιτικῶν*, but *τῶν ὁπλιτικῶν μορῶν* were read. Haase has very ably defended *πολιτικῶν*.

[2] This follows from Xen. *Hell.* iv. 5. 10. A conjecture that I hesitate to adopt in the text may here find a place. If, as is very probable, Sparta consisted of five *κῶμαι*, five Moræ may have been instituted for the Spartiatæ proper, and a sixth may have been attached for the descendants of the garrisons or colonists sent out from Sparta in earlier time into the States of the Periœci, who, though no longer indeed Spartiatæ, properly speaking, were yet somewhat more so than the Periœci.

whole army, says Thucydides, consisted, as it were, of a chain of commanders, one under the other; and their joint action, fitting as it did together, insured the swiftest and most punctual performance of every order exactly as the commander had uttered it.[1] This tactical perfection was possessed by no other Greek army; and if we add to it the soldierlike feeling of honour which was nourished in the Spartans from childhood, and to which it seemed far worse to be conquered than to sacrifice life on the field of honour, no surprise will be felt that for so long a time they should have found means to secure for themselves the reputation of superiority in war to the rest of the Greeks.

With their cavalry, however, matters were managed far worse than with their infantry. This department of the army, indeed, among the Greeks in general (with the solitary exception of the Thessalians), if only on account of the formation of the country, was always of minor importance; but the Spartans seem to have neglected it in quite an especial degree. In the time of Xenophon the arrangement was that the keep of the horses and the requisite equipment was imposed upon the rich as a Liturgy, but that for service in the cavalry there were selected only the weakest men, and those of least use for service as hoplites; and these, when a campaign was to be undertaken, were mounted on horseback and equipped, without having previously been properly prepared and trained for the service.[2] The large majority of them certainly consisted of Perioeci, and only the commander (Hipparmostes) was a Spartiate. As a rule, a division of cavalry was attached to every mora of the hoplites; of what strength it was is not stated. Only the name *οὐλαμός*, or squadron, for a corps of fifty men, has been handed down to us,[3] and it is possible that to each mora there belonged two such squadrons, which were likewise called a mora.[4] In that case there would have been a total of 600 cavalry; but so large a number was seldom equipped. In the eighth year of the Peloponnesian war, when Cythera and Pylus were beleaguered by the Athenians, and measures for the defence were being taken with the greatest care, not more than 400 cavalry were brought into the field;[5] and with the army which was sent out in the year 394, in order to wipe out the stain received at Haliartus, there were only about 600.[6] A somewhat better

[1] Thuc. v. 66; cf. Plut. *Pelop.* c. 23.
[2] Xen. *Hell.* vi. 4. 20.
[3] Plut. *Lycurg.* c. 23.
[4] Xen. *Hell.* iv. 5. 12.
[5] Thuc. iv. 55.
[6] Xen. *Hell.* iv. 2. 16.

cavalry was obtained by the Spartans only by taking foreign horse into their service.[1]

If a Spartan army was to take the field, the Ephors issued the summons, together with a specification of the limits of age for the men who had to come forward—for instance, from the twentieth to the thirtieth, or fortieth, or fiftieth year. For it was evidently impossible that the whole of the male population liable to serve should take the field: it was necessary for many to stay behind, if only not to leave the State itself defenceless; and those advanced in age, men of fifty-five and upwards, were only summoned in the most urgent necessity.[2] When, in the eighth year of the Peloponnesian war, Brasidas departed for Chalcidice, he was allowed no Spartan troops at all, but only 700 Helots equipped as hoplites, in addition to whom he obtained a body of 1000 mercenaries in the Peloponnesus; while in the period subsequent to the Peloponnesian war, it was the custom to send upon the more distant expeditions, especially to Asia, only Perioeci, Neodamodes, Mothaces, Helots, and mercenaries, while of Spartiatæ only thirty were despatched with the general.[3] These served him as deputies, aides-de-camp, and advisers, and might be intrusted by him with the command of single divisions of the army, with despatches, or with other matters. After the space of a year they were relieved by others.[4]

Besides the number of men requisite, a number of artisans were also called out to aid in the arrangements on the march and in camp, and in what seemed necessary for purposes of transport:[5] but the whole of this portion of the equipment was of course provided only by the Perioeci or Helots. Before the army set out, the king sacrificed in the city to Zeus Agetor, and if the omens were favourable, the Pyrphorus lighted at the sacrificial altar the fire which he had thenceforward to carry before the army. At the boundary of the country, sacrifice was again offered to Zeus and to Athene, and if the signs were here also favourable, some of the sacrificial fire was again taken with them, and thus the boundary was passed.[6] In an enemy's country, or wherever else an attack had to be provided

---

[1] Xen. *Hipparch.* c. 9. 4.

[2] Cf. Xen. *de rep. Lac.* c. 11. 2, with Haase's note.

[3] Xen. *Hell.* iii. 4. 2, v. 3. 8; Plut. *Lysand.* c. 23, and *Ag.* c. 6.

[4] Xen. *Hell.* iii. 4. 20, iv. 1. 5. 30, 34; Plut. *Ag.* c. 7, and *Lysand.* c. 23.

[5] Xen. *de rep. Lac.* c. 11. 1.

[6] *Ib.* c. 13. 2, 3. That taking the field was avoided on principle before the coming of the full moon has been believed by several inquirers, but cannot safely be concluded from Herod. vi. 106. Cf. Bähr and Stein on the passage.

against, a lightly fortified camp was erected, and this, contrary to the fashion of the rest of the Greeks, was not rectangular but circular in form. It seems not to have been customary to put ramparts and ditches before it, as even the city, which likewise was a kind of camp, did not possess them. In their stead pickets were carefully placed, partly in the immediate neighbourhood of the camp, in order to watch over the entrances and exits, partly as outposts, usually mounted, in order to watch for the enemy. No one was allowed to move about in the camp without his spear; any one who was forced to leave it at night was escorted by a squad of Sciritæ. The Helots, who accompanied the army in the capacity of shield-bearers or camp-servants, were obliged to camp outside.[1] For the combatants, however, even in camp, regular exercises were prescribed twice a day, early in the morning and in the evening. Among these were especially included marches, partly at the ordinary pace and partly at the double.[2] In other respects much of the strict regulation of life to which the Spartans were subject at home was relaxed in the field, so that the life in camp was easier and pleasanter than that in the city. Their dress too was more stately. Instead of the undyed smock, they wore war-clothing dyed with purple, and were resplendent with brightly polished arms; their hair was more carefully parted; and if a fight was expected, they adorned themselves with garlands as though for a feast.[3] If a battle was in prospect, sacrifice was offered to the gods, as a rule in the earliest morning hour,[4] and among the gods to whom it was offered were Eros and the Muses, the former because success depended upon the fidelity and mutual support of the comrades engaged in the contest,[5] the latter in order to remind the warriors of the resolutions and the thoughts that had been instilled into them at home through the public discipline and the utterances of their poets.[6] Immediately before the beginning of the battle, a goat was sacrificed by the king to Artemis Agrotera. The cornets accompanied the ceremony with a festal tune named after Castor, then the battle strain or Embaterion (marching song) was raised, and so, to the accompaniment of wind and stringed instruments, the phalanx advanced, its component parts in close order, and marching in exact time: behaving

---

[1] Xen. *de rep. Lac.* c. 12. 1-4.
[2] *Ib.* § 5, 6.
[3] Plut. *Lycurg.* c. 22; Ælian, *Var. Hist.* vi. 6.
[4] Xen. *de rep. Lac.* c. 13. 3.
[5] Athenæus, xiii. 12. p. 561, extr.
[6] Plut. *Lycurg.* c. 21.

on the battle-field almost as at the festal games: resolved to maintain the honour of the Spartan arms pure and unsullied, and full of confidence of victory; and in truth victory rarely failed to attend their superior readiness for war.[1] Yet among themselves that victory was preferred which cost least bloodshed; nay, a victory won by adroitness was counted more worthy of gratitude to the gods than one bought with blood: after the former they sacrificed a heifer to Ares, after the latter only a cock.[2] The pursuit of a retreating enemy to a distance after the victory was won was forbidden by law; less perhaps from magnanimity than from prudence, because it might be predicted that the enemy would resolve to quit the field earlier in the fight if they knew beforehand that they would then not be severely pursued;[3] perhaps also, because with the distant pursuit disorder might ensue, and give rise to danger for the pursuers. To make war repeatedly upon the same enemy is said also to have been forbidden by law. The enemy was to feel the superiority of the Spartans, but not to become used to fighting with them, and so to be driven to make efforts to become their equal.[4]

In the Peloponnesian war the Spartans also found themselves compelled to equip a more important naval force than they had hitherto possessed. They had not indeed in earlier times been wholly without such a force. At the battle of Artemisium they had had ten ships; at the battle of Salamis sixteen;[5] and their naval port was at Gythium, a city of the Perioeci, on the Gulf of Laconia, where the ships and docks were set on fire in the year 454, by the Athenian commander Tolmides.[6] In the Peloponnesian war they ventured upon their first naval battle against the Athenians in the year 429, at Naupactus, with a fleet consisting of their own ships and those of their allies, under the leadership of the Spartan Cnemos. They were beaten, however,[7] and in the year 413, when they were carrying on the war with greater vigour, they nevertheless equipped for the allied fleet no more than twenty-five

---

[1] According to Thuc. v. 70, this, and not respect for religion, was the reason the music was played during their advance against the enemy: *οὐ τοῦ θείου χάριν, ἀλλ' ἵνα ὁμαλῶς μετὰ ῥυθμοῦ βαίνοντες προέλθοιεν καὶ μὴ διασπασθείη αὐτοῖς ἡ τάξις.* As the reader sees, the historian who soberly keeps reality in view occasionally comes into conflict with the idealising view of the Spartan institutions, which then, as now, found favour with many. On the stringed instruments, cf. Trieber, pp. 15-17.

[2] Plut. *Ag.* 33; *Marcell.* c. 22; *Inst. Lac.* no. 25.

[3] Plut. *Lycurg.* c. 22.

[4] *Ib.* c. 13; *Agesil.* c. 26.

[5] Herod. viii. 1. 13.

[6] Thuc. i. 108; Diodor. xi. 84; Pausan. i. 27. 6.

[7] Thuc. ii. 83, 84.

ships.[1] Afterwards, indeed, they resolved to send forty ships to the aid of the Chians, who had revolted from Athens, but not more than five were actually fitted out by them.[2] It is nowhere stated in what way the equipment was provided. Trierarchs indeed are mentioned as commanders of the single triremes, and we once read[3] that these and the helmsmen were inclined to spare their ships; but it might nevertheless not be advisable to conclude from this that the Trierarchy existed as a Liturgy in Sparta, as it did in Athens, and that the trierarch had to equip, to maintain, and then, after the expiration of his service, again to deliver up the trireme assigned to him by the State. The building and equipment were doubtless carried on by the Periœci in the coast cities, to whom the State might make payment for them, or grant remission of other services on this account. The marines were also certainly taken from the Periœci, not from the Spartiatæ, who probably filled only the places of command, and these perhaps not exclusively. The rowers, however, were either Helots, or foreigners obtained for the service.[4] The chief command of the fleet was taken by the Nauarchus, and next to him ranked the Epistoleus, of both of whom we have already spoken. These were naturally always Spartiatæ. Besides these, however, some Spartiatæ were given to the commanders under the title of Epibatæ,[5] in order to advise and support them, in the same manner as the Council of Thirty was given to the kings.

SECTION XIII.—*The Hellenic Policy of Sparta.*

Although the Spartans might with perfect justice be called a nation of soldiers, or an armed people, they must not therefore be termed a people delighting in war. Rather do they exhibit in their best time an attitude decidedly inclined to peace. Their policy was aristocratic conservatism. Content with the possession of the country they had conquered, and with the position they had reached, they refrained from striving after further aggrandisement, preferring to retain what was insured to them rather than to stake it upon an uncertain result; they disliked undertakings that might possibly fail of attaining their ends, and preferred to incur the reproach of dilatory circumspection rather than that of hasty resolution.[6]

[1] Thuc. viii. 3.
[2] *Ib.* viii. 6.
[3] *Ib.* iv. 11.
[4] Xen. *Hell.* vii. 1. 12.
[5] Thuc. viii. 61. 10; the notes of Bloomfield and Arnold, in Poppo, iii. 4, p. 741.
[6] Cf. the characterisation put by Thuc. in the mouth of the Corinthian ambassadors, i. 68, 70, 84, and the

Those who did not attack them, who did not endanger their position and the permanence of their State, had nothing to fear from them; and for this reason all who were favourably disposed to aristocratic conservatism attached themselves with full confidence to them. The contest they undertook against the Messenians, after having extended their dominion over all Laconia, except the strip of coast on the east, and which they carried on until their antagonists were brought into entire subjection, was certainly based, not merely on the desire of avenging an insult offered to them,[1] nor on the mere lust of conquest and delight in aggrandisement.[2] It was at the same time a struggle involving principles, undertaken to ward off the danger that might possibly threaten the existence of their State from that quarter. The essential nature of the Spartan State was based on the subordination of the larger portion of the population to the rule of the smaller. But such a subordination—a relation of the conquered Achæans to the conquering Dorians, like that of the Helots and Perioeci in Laconia to the Spartans—was not carried out in Messenia. Such statements as we have with regard to the earlier history of Messenia,—very few, it must be admitted, and those clothed in the garb of mythology,[3]—whence we can only pick the kernel of historical truth by means of conjecture, point to the fact that here at first a rule of the Dorians over the earlier population had been meditated similar to that realised in Laconia, but that the Achæans, supported by their friends and neighbours the Arcadians, especially those of Trapezus, met the Doric claims by a more effectual resistance; that from this there arose a series of conflicts, in which the Dorians probably became divided among themselves, some being prepared to grant similar rights to the Achæans, others, on the contrary, desiring to have them made into mere dependent Perioeci. It was Sparta's natural interest to take part in these struggles, and it may be assumed as certain that her aid was called in by that part of the Dorians which was striving for the subjection of the Achæans. The increase in the number of Spartan households and allotments of land in the reign of Polydorus, from the 4500 or 5000 of earlier times to 9000, is probably to be explained, not merely by the increased number of the Dorians

saying attributed in much later times by Livy (xlv. 23. 15) to the Rhodians. Cf. also Isoc. *de Pace*, c. 32, p. 97.

[1] Ephorus, in Strab. vi. p. 297 c; Justin. iii. 4; Pausan. iv. 4. 2.

[2] Pausan. iv. 5. 1.

[3] The statements most worthy of credit are those drawn from Ephorus in Nicol. Damasc. in C. Müller, *Fr. Hist. Gr.* iii. p. 377, where the remaining passages are also given in the notes.

in Laconia itself, but also by the admission of Messenian Dorians among the Spartan citizen-body. Nor did the wars of the Spartans with Tegea and other neighbouring Arcadian communities arise out of mere desire for conquest: their *aim* was rather to secure the Spartan rule at home by deterring the neighbouring peoples from endangering Sparta by affording support to those of the Perioeci who lived on their frontiers. Still less can *it* be considered as evincing a desire for conquest that they forcibly deprived the Argives of the strip of coast naturally belonging to Laconia, and of the island of Cythera; and their consequent contests with the Argives, frequently renewed down to a short time before the Persian wars, violent though they were, yet do not show that the challenge came from their side. But after they had succeeded in consolidating their own State, and in becoming recognised as a State incapable of receiving injury in war, whether from within —the Perioeci and Helots being reduced to complete subjection —or from without, inasmuch as their superiority to the neighbouring peoples was fully proved, they won the confidence of the remaining Greeks by the intelligent moderation of their behaviour in their foreign policy in the same degree as they inspired respect by the stability of their commonwealth, which afforded a sufficiently striking contrast to the oscillation and fluctuation of parties in other States. Naturally, in every State, those who were inclined towards aristocracy and conservatism attached themselves to Sparta, a State that proved of service to them both in overturning the tyrants, and in keeping within bounds the claims of democracy. From this spontaneously arose a federation, primarily of the Peloponnesian States, which recognised Sparta as their leader and head. To this federation, and Sparta's position in it, of which we shall have to treat more fully hereafter, it was owing that, when in the Persian wars the greater part of the Greeks united to ward off the danger, Sparta was placed without opposition at the head of their united forces, and thus became generally recognised as the first among the States of Greece.

SECTION XIV.—*The Decline and Fall of Sparta.*

At the commencement of the Persian wars Sparta stood at the summit of her reputation, and her influence on the rest of Greece had reached its highest point. But she was unable permanently to maintain that position; in making the attempt she was led to deviate, first from the accustomed paths of her

foreign policy, then from the essential principles of her State-system. Thus after a short period of extension of her power, an extension more apparent than real, she was soon brought to a state of complete powerlessness and to the deepest debasement. Once placed at the head of the whole of Greece, she desired, even if she failed to keep this position in all its significance, at least to allow no other State to become so great as to become dangerous to herself. On this account she watched the rapid rise of Athens with displeasure and anxiety, the more so, as together with the growing power of Athens that political tendency predominated in the Greek States which Sparta rightly recognised as pregnant with danger for herself and her own existence,—the tendency to democracy. Bitter conflicts soon arose, and even though externally peace was twice restored, yet internally the strain increased, and at last in the Peloponnesian war broke out into a deadly struggle, which could find its goal only in the complete defeat of one of the two opposing parties. For this struggle, however, Sparta found herself incompetent, with the means she had been accustomed to use. Accordingly she had recourse to means of a kind that in earlier times had lain outside her range, and that proved themselves alien and ruinous to the true nature and character of her State. As the war against Athens could be successfully carried on only by sea, while the financial resources of Sparta were inadequate to create and maintain an important naval power, she was compelled, for the sake of obtaining subsidies, to ally herself with Persia. Thus she was forced, in conjunction with the old hereditary enemy of Greece, to meet as an adversary the people by whose side and through whose arms in the main she had in earlier times saved the freedom of Greece in conflict with this very enemy. To draw to her side the allies of Athens, the sources of Athenian power, she was compelled to make them promises that she was neither capable nor seriously desirous of fulfilling. Diplomatic arts, adroitness in negotiation, subserviency in intercourse with the Asiatic despots and their satraps, untruthfulness and dissimulation were of necessity called in where nothing was to be effected by sincerity, openness and truth. When at last she succeeded in overthrowing her hated opponent, not only did the Greeks very soon feel how entirely unlike the victorious Spartans were to the picture they had drawn of them in reliance on Spartan promises, and in remembrance of the former relations of Sparta to her allies, but the Persians too found with equal quickness how little Sparta was inclined to repay help furnished her in the way

they expected. When, on this account, they found it conducive to their interest once more to transfer this aid to those opponents of Sparta whom they had formerly resisted, a single decisive defeat of the Spartans was alone required to impel the Greek allies again to secede from her, and to attach themselves to Athens. Even that warm friend of Sparta, Xenophon, at the end of the short treatise on the Spartan State, written not long after this time, expresses the opinion that the Spartans, instead of striving as formerly to be worthy of the hegemony of Greece, now aimed only at securing the dominion over it for themselves in any way they could, and that the remaining Greeks, who in earlier times had attached themselves to them in order to find support against wrong and oppression, now all united in the struggle to hinder a return of their supremacy. And, he adds, it is not to be wondered at that matters have come to such a pass, since the Spartans now openly neglect to live according to the laws given them by Lycurgus.[1]

Among the most obvious departures from the old constitution may be especially mentioned the introduction of gold and silver, not only for the requirements of the State, but also as private property. That gold and silver money had even in earlier times been in the possession of the State has already been remarked, and cannot be matter of doubt, since otherwise it would have been impossible to send ambassadors abroad, to maintain troops in a foreign country, to hire mercenaries, and the like. The State treasury, however, was not well supplied,[2] and its sole regular receipts in gold and silver can have consisted only of the contributions of the Perioeci, to whom, we are forced to suppose, the possession of money current in foreign lands was not forbidden.[3] It was probably from their contributions, moreover, that gold and silver reached the kings, for that the prohibition to possess these metals cannot have extended to the latter is seen partly from the considerable pecuniary fines imposed upon Pleistoanax and Agis, which have been previously mentioned,[4] partly from the fact that Pausanias, who, though not indeed himself king, yet, as guardian of the king, acted as regent, received a share amounting to ten talents out of the booty taken at Platæa.[5] For the citizens, however, the old prohibition still existed even after the Peloponnesian war, despite the large

[1] Xen. *de rep. Lac.* c. 14.

[2] Thuc. i. 80. Earlier, in the seventh century, there was as yet no treasury, according to the answer of the king Anaxander (Plut. *Apophth. Lac.* p. 121, Tauchn.).

[3] Cf. Müller, *Dorians*, vol. ii. p. 221, Eng. tr.

[4] See p. 253.

[5] Herod. ix. 81.

sums brought in to the State treasury by its successful result. For besides the booty and the contributions which Lysander sent to Sparta, the tribute laid upon the new allies amounted to more than a thousand talents annually.[1] Very soon, however, it became evident that now, when generals, harmosts, and others had so many opportunities of enriching themselves in foreign countries, the ancient law could no longer be maintained. Particular opportunities of attaining the forbidden possession were, no doubt, never lacking, even in earlier times; for instance, Megabazus the Persian, who, under commission from Artaxerxes, sought to move the Spartans to a war against the Athenians when they were assisting the revolted Egyptians, is said to have spent considerable sums on the bribery of individuals.[2] But the possessors, nevertheless, did not then venture to keep their money in the country itself. Just as the State, in all probability, kept its gold and silver, at least to a great extent, not in Sparta, but out of the country, and especially in the temple at Delphi,[3] so the citizens deposited theirs out of the country, especially in Arcadia.[4] As this was not expressly prohibited, it was not considered as unlawful, and even the government seems not to have so considered it. But from the time of Lysander, in which the largest sums for the State were forwarded to Sparta itself, the prohibition in the case of private persons, though then nominally reasserted, soon fell into desuetude, although we hear nothing of its express repeal.[5] From this time onwards the inequality of property naturally and of necessity became more and more visible and prominent; and when the law of Epitadeus even secured the right of freely disposing of the allotments of land,[6] it was a necessary consequence that the landed property fell more and more into the hands of a few rich houses, while the poorer citizens sank lower and lower. Finally, the loss of the largest part of Messenia could not but exercise an injurious influence on the position in respect of property of those citizens whose possessions had been situated in that country. At that time, moreover, the number of the Spartiatæ was already diminished in a striking degree. Instead of the nine or ten thousand that there had been in the best days of the State, there were hardly more than two

[1] Plutarch, *Lysand.* c. 16; Diodorus, xiv. 10.

[2] Thuc. i. 109. Examples of the bribery of Spartan magistrates are given also by Herod., viii. 5; Diod., xiii. 106; Plutarch, *Pericles*, c. 22, 33.

[3] Posidon. quoted in Athenæus, vi. 24, p. 233.

[4] *Ib. loc. cit.*

[5] Plut. *Lysand.* c. 17.

[6] Cf. *ante*, p. 216.

thousand.[1] The reason of this diminution was certainly to be found not only in the losses of men caused by the wars, but also in the impoverishment of many citizens, who shrank from founding a household and begetting children to whom they could give no education such as the State required, and leave no inheritance sufficient for their wants. Hence in this period it was found desirable to encourage the begetting of children by rewards. The father of three sons was exempted from liability to military service, the father of four from all public burdens and contributions;[2] in complete contradiction with the earlier custom, according to which, for instance, only such men were sent with Leonidas to Thermopylæ as had already begotten children, by whom, if they themselves fell, their house might still be continued.[3] But it is clear that such measures were unable to remedy the evil. Aristotle reckons that in his time there were only about a thousand Spartiatæ,[4] and less than a century afterwards there were no more than seven hundred, of whom about a hundred were possessed of landed property.[5] There were, therefore, six hundred poor to one hundred rich; a part of the latter being inordinately so. Along with such inequality in property it was naturally impossible for the old Lycurgic rules of life to continue in force. The rich, we read, observed these rules indeed in part, but only in appearance. For instance, they visited the Phiditia, but after remaining there a short time they feasted at home with oriental luxury.[6] The Ephors, whose function it ought to have been to watch over the observance of the Agoge, exempted themselves for the most part from their own regulations,[7] and were without doubt, although the office should have been open to all without distinction, taken at that time only from among the rich. The poorer citizens however had to submit to being maintained by the rich, and perhaps either took to handicrafts, or, as lessees of pieces of ground belonging to the rich, tilled the soil as the Helots did.[8] It can in fact hardly be conceived how the State could still exist, and how the dominion of the Spartiatæ over the Helots and Perioeci could still be maintained. We can only assume that to some extent the length of time that had elapsed had accustomed them to their position of subjection, while the harshness of the relation had also been considerably reduced. In

[1] Cf. Clinton, *Fasti Hellen.* ii. p. 407.
[2] Arist. *Pol.* ii. 6. 13.
[3] Herod. vii. 205.
[4] Arist. *Pol.* ii. 6. 11.
[5] Plutarch, *Ag.* c. 5.
[6] Phylarchus, in Athenæ. iv. 20, p. 141.
[7] Arist. *Pol.* ii. 6. 16.
[8] Plutarch, *Ag.* c. 6. 5, and Schömann's note, p. 111.

addition to this it appears that the Spartan oligarchy supplied its own deficiency in strength by its money, maintaining a number of mercenary troops for its own protection. Moreover, the city which in earlier times had been open and unfortified was, at the end of the third century, surrounded with earthworks and fortifications, which, though primarily erected to afford a protection against the attacks of the kings Demetrius and Pyrrhus, served also secondarily as a security against possible attacks from the subject population.[1]

Such was the position of Sparta when king Agis III. conceived the plan of regenerating the State by the admission of new citizens from among the Periœci and other foreigners, probably the mercenary troops, and by a restoration of the constitution of Lycurgus. He paid for his attempt with his life; but a short time afterwards the more adroit and resolute Cleomenes III. again took it up, and actually carried it through by contriving to win over to its support both some of the more prominent Spartiatæ themselves, and also the mercenary troops.[2] He compelled those who opposed him to leave the country; the number of those so exiled was eighty, and therefore comprised by far the larger portion of those rich citizens and landowners who still existed.[3] Then he made a new division of the landed property, and increased the civic body by the admission of Periœci, and beyond a doubt also of mercenaries, so that it was now enabled to afford material for an army of 4000 hoplites. He reintroduced the Syssitia and the remaining portions of the old Agoge, but abolished the Ephors, instituting, perhaps in their stead, a new body of magistrates named Patronomi. But his reforms had but a short continuance. The war with the Achæan League in which Sparta was involved compelled the League to summon to its assistance Antigonus Doson of Macedonia, by whose superior power, after a not inglorious struggle, Cleomenes was defeated in the decisive battle of Sellasia, and soon after met his death in Egypt, whither he had fled in order to obtain aid. What was the fate of his institutions in Sparta is not quite clear. Thus much is certain, that the abolished Ephorate was again instituted, and that the persons banished were recalled. But

[1] This is clear from Plutarch, *Cleom.* c. 7.

[2] Plutarch, *Pyrrh.* c. 29; Pausan. i. 13. 5; vii. 8. 3; Justin. xiv. 5; Liv. xxxiv. 38.

[3] Pausan. ii. 9. 1. Pausanias, however, is certainly wrong in considering the Patronomi to have taken the place of the Gerusia. It is nevertheless remarkable that Plutarch in his life of Cleomenes does not mention the Patronomi at all. Cf. Schömann, *Prolegomena to Plutarch*, p. 52, and Droysen, *Geschichte des Hellenismus*, ii. p. 491.

the new citizens admitted by Cleomenes seem nevertheless not to have been expelled, and even though, as can hardly be doubted, the division of land was repealed, yet some provision must have been made that these citizens, so far as they had not previously possessed landed property, as probably all the Perioeci had who were admitted, should not now remain wholly without it. The manner in which the monarchy was dealt with has already been related, as well as the fact that it soon afterwards came to an end.[1] In later times we find Patronomi mentioned besides the Ephors, though we learn nothing about their duties and position; our knowledge is limited to the fact that they formed a Board of six persons with an equal number of coadjutors (*συνάρχοντες*), and that the chief of the Board enjoyed the honour of being the Eponymus of his year.[2] Of the position of Sparta at the time when Greece was under Roman dominion little is known, and to put that little together is beside our purpose. We may only remark that some of the old Lycurgic laws maintained themselves to a very late period, especially the Diamastigosis;[3] a continuance which may have been aided by the fact that this ranked as part of the Spartan worship. The district belonging to Sparta was however confined to the interior, the coasts being withdrawn from its dominion; while the dwellers upon them, Helots and Perioeci, formed, under the name of Eleutherolacones, a commonwealth of their own, with several cities, the number of which was afterwards fixed at twenty-four by Augustus.[4]

CHAPTER II.

THE CRETAN STATE.

THE institutions of the Cretan State show in many points so great a similarity to those of Sparta, that it is not surprising if it seemed to the ancients as though either Crete were a copy of Sparta or Sparta of Crete.[5] Meanwhile this similarity may be explained, apart from intentional imitation,

[1] See p. 226.
[2] Cf. Böckh, *Corp. Inscr.* i. p. 605.
[3] Tertullian mentions it as usual at his time. See Haase on Xen. *de rep. Lac.* p. 83.
[4] Strabo, viii. p. 365; Pausanias, iii. 21, 6.
[5] Cf. Arist. *Pol.* ii. 7. 1; Ephor. in Strab. x. p. 481; Pseudo-Plat. *Minos*, 318 f; Plut. *Lycurg.* c. 4.

by the community of nationality, which, under like conditions, must produce like institutions. For in Crete, as in Laconia, Dorians were the ruling people, who had subdued the old inhabitants of the island and placed them in a position of subordination, and even if the Dorian immigrants into Crete were mingled with non-Doric elements to a greater extent than was the case with the conquerors of Laconia, still here also the Doric element had the predominance, and possessed the power of assimilating the foreigners to itself. But whilst the Spartans adopted the course of naming one of their own number, Lycurgus, as the regulator of their State system, the Cretans named no Doric lawgiver, but traced the origin of their institutions back to an early Cretan national hero, Minos, whose thoroughly mythical personality they then contrived to bring into a certain connection of kinship with the Dorian immigrants whom tradition stated to be earliest.[1] The name of Minos, which admits of no explanation from the Greek language, belongs without doubt to the earlier non-Greek population of the island, and denotes a divine being who, despite his divinity, dwelt upon earth in human form, and to whom the people owed the beginnings of a higher civilisation and of social institutions.[2] Equally little with Minos can those be ranked as historical personages whom the Greek epos names as his successors, and represents as kings over the whole island, such as Idomeneus and Meriones; and whether at any time Crete was united into a single State under one head is a question which it is equally impossible to answer definitely in the affirmative or in the negative. The Odyssey (xix. 175 *seq.*) names five different peoples in Crete, viz., Achæans, Eteocretes, Cydones, Dorians, and Pelasgi, without giving any indication of their relation to each other. Later writers declared the Eteocretes and Cydones to be autochthones, the others to be immigrants, who had occupied the northern and eastern part of the island, while the latter held the south and west.[3] It is, however, beyond doubt that settlements were made in Crete by the Phœnicians, and that a large portion of the island was subject to them. In the historical period, it is true, we no longer find them here; we find, on the contrary, only a number of Greek States, all moreover Dorian. Each of these consisted

[1] Cf. the passages quoted by Meursius, *Creta*, p. 124.

[2] Eustathius on *Dionys.* p. 196, Bernh., and on Minos as a Phœnician god or hero cf. esp. Duncker, *Hist. of Antiquity*, 2d ed., i. p. 302 *seq.* (i. p. 369, Eng. tr.); Loebell, *Weltgesch.* i. 484; cf. also Thirlwall, i. pp. 140, 141. That much that is primarily Phœnician has been transferred to the person of Minos can hardly admit of denial.

[3] Staphylus, in Strab. x. 4, p. 475.

..of a city with its surrounding district, in which no doubt also smaller cities in their turn were found standing in a relation of subordination to the principal city. For that each city of the "ninety-citied" or "hundred-citied" isle, as Homer calls it,[1] formed also an independent State, will probably not be supposed. As independent States our authorities give us reason to recognise about seventeen.[2] The most important of these were in earlier times Cnossus, Gortyn, and Cydonia. For a time Cnossus sank in importance, and Lyctus, on the contrary, rose. Afterwards Cnossus again advanced, and together with Gortyn became the most powerful of all. Thus when the two were united the whole of the remainder submitted to them, when they quarrelled the whole island was split into two. The third, next to these, was Cydonia.[3] In general, however, their relations changed in various ways in the course of time.

The Dorians obtained dominion over the island by several immigrations, which took place subsequent to the return of the Heraclidæ, partly from Laconia, partly from other points, such as Argos and Megara. The statements we have of an earlier immigration made by them from Thessaly, five generations before the Trojan war, have rightly been declared by modern criticism to be mythical,[4] although the Odyssey mentions Dorians in Crete as early as the time of this war. That all the independent States of the island were Dorian is beyond a doubt; some being more so and others less, according as the emigrants were either accompanied from their homes by foreigners, especially Achæans and Minyi, or underwent admixture in their new home with a larger or smaller portion of the earlier inhabitants.[5] But the Dorian character predominated, and the constitutions of the different States were, as Pindar says, ordered according to the rule of Hyllus and the

[1] *Il.* ii. 649; *Od.* xix. 174. According to Tzetzes on *Lycophron*, v. 1214, Xenion, *περὶ Κρήτης*, had named the whole hundred cities.

[2] Cf. Hoeck, *Creta*, ii. p. 443.

[3] Strabo, x. pp. 476, 478; Diod. v. 78. Of cities which are to be considered as dependencies in the district of a principal city we hear of, amongst others, Minoa in the district of the Lyctians, Chersonesus in the same district, Leben, Rhytium, Bena, Bœbe, in the district of Gortyn, Syia belonging to Elyrus, Cisamus to Aptera. Cf. Strabo, pp. 478, 479. Steph. Byz. *sub voc.* Βήνη, Βοιβη, Συία.

[4] Cf. Hoeck, ii. p. 15, supported by Hasselbach, *de ins. Thaso*, p. 13; Loebell, *Weltgesch.* i. p. 486; Welcker, *Episch. Cycl.* ii. p. 44; Thirlwall, i. p. 137; Grote, i. p. 466; Preller, *Gr. Myth.* ii. p. 115.

[5] According to one modern view, the immigrant Dorians had been received into the old Cretan States only as a special class of warriors, and had received landed property and civic rights, without the dominion being transferred to them. and without the people therefore becoming, properly speaking, Dorian. For the more detailed exposition of this view and its support by evidence we have still to wait.

institutions of Ægimius. This was the case most of all at Lyctus,[1] which was constituted in a manner most similar to the Spartan State, being indeed colonised from Laconia. From this place the Dorians made further conquests (as for instance Gortyn), which they then proceeded to occupy with colonists,[2] as their practice was in Laconia; but with this difference, that in Laconia, the cities which were conquered and received colonists remained dependencies of Sparta; while in Crete, on the contrary, they received autonomy.

The principal features of the Cretan political system, as we learn them in particular from the extracts from older writers, given by Strabo and Athenæus, are as follows:—

As in Laconia, so also in Crete, a great portion of the old inhabitants of the country were reduced by the Doric conquerors to the condition of peasant serfs, like the Helots. There were, however, two classes of them—one termed Clarotæ or Aphamiotæ, the other Mnoïtæ.[3] The former cultivated the estates belonging to private persons, which were called *κλᾶροι*, and apparently also *ἀφαμίαι*, though this name is of uncertain signification. The Mnoïtæ, on the contrary, cultivated the estates which the State had reserved to itself as domain land, and which for the most part must have been of considerable importance, since it was out of the revenue they brought in that, among other expenses, those of the common messes of the citizens were defrayed, no contribution towards them being, as in Sparta, imposed upon the citizens themselves. Among the different conjectures[4] regarding the derivation of the name Mnoïtæ, that one seems most worthy of consideration which regards it as abbreviated from *Μινωῖται*, from *Μίνως*. The only objection[5] brought forward against this view—viz., that the vowel in the first syllable being long, is unlikely to have been suppressed—is of no especial weight, since the fact that the Greek poets treat the *ι* in *Μίνως* as long affords no safe conclusion as to the genuine native pronunciation of the name,

[1] Arist. *Pol.* ii. 7. 1; Strabo, x. p. 481.

[2] Cf. Hoeck, ii. p. 433.

[3] Ephorus and Sosicrates, quoted in Athenæus, vi. 84, p. 263, extr. Cf. Strabo, xii. 3, p. 542, xv. i. p. 701; Steph. Byz. *sub voc.* Λύκος; Pollux, iii. 83; *Etymol. Magn. sub voc.* *πενέσται*; Suidas and Photius, *sub voc.* *κλαρῶται*; *Lex. Seguer.* p. 292; Hoeck, iii. p. 37.

[4] Thus some have wrongly taken the name *πενέσται* for *μενέσται*, and have interpreted it as "those who remained in the country" (see above, p. 132). By a like mistake some (*e.g.* A. Schmidt, *Zeitschr. für Geschichtswissenschaft*, i. p. 561) have derived *μνωῖται* from *μένω*, and even compared it with the mediæval term *mansionarius*. The collective term for the class is *μνοῖα* or *μνῶα*. Athenæus, xv. 696 A; Strabo, xii. 542; Hesych. *sub voc.*

[5] Cf. Lobeck, *Pathol. Serm. Gr.* i. p. 277.

seeing that it does not belong to the Greek language. Since we find the word Minoa used as a local name both in Crete and elsewhere,[1] it may be assumed that the race which worshipped the god or hero Minos applied his name both to the place where he was especially worshipped, and also to themselves, in the same manner as the Cadmea and the Cadmeones were named after Cadmus. The condition of these serf peasants, who were subject, not to individuals, but to the State alone, was manifestly, for that very reason, better than that of the Clarotæ or Aphamiotæ, though the latter were apparently not liable, like the Spartan Helots, to personal service to their masters in the cities, but were merely obliged to cultivate the land; for it is expressly stated that the Cretans in the cities made use of purchased slaves.[2] In general, however, both classes are compared with the Helots, whence it follows that they were liable to certain contributions, and were possibly also summoned to military service,—a fact with which we may connect the statement that the Cretans obtained armed attendants or esquires from among their slaves,[3] and that these were called Therapontes. As a rule, however, they were forbidden the possession of weapons, and military or gymnastic exercises;[4] and thus Hybrias, the Cretan, boasts, in a scholium still extant,[5] that spear, and sword, and shield are his great treasure; with them he sows, with them he reaps, with them he treads out the juice of the grape, by them he is master of the slave folk (the Mnoia); but he who does not bear sword, and spear, and shield shall bow the knee before him, and call him lord and master. As dwellers in the flat country around the cities where the ruling Dorians dwelt, the peasant serfs might be called Periœci, apart from the fact of their dependent position, and are actually once so called by Aristotle,[6] though we must not conclude from this that there was not also another class of inhabitants in Crete, corresponding more closely to the Periœci of Laconia. This hasty conclusion[7] is contradicted, not only

---

[1] Cf. Steph. Byz., who cites a Minoa in Amorgos, in Sicily, in Siphnus, as a name of Gaza, of a place in Arabia, of Paros, and of an island not far from Megara. With this Strabo also agrees, viii. 6. pp. 368, 391, 392, as to the Megarian Minoa (Nisæa) and the Laconian. At all these places early Phœnician settlements may be assumed.

[2] Callistratus, in Athenæus, vi. 8. 4, p. 263.

[3] Eustath. on *Il.* i. 321, p. 110, and on Dionys. v. 533.

[4] Arist. *Pol.* ii. 2. 12.

[5] Quoted by Athenæus, xv. 50, p. 695.

[6] Arist. *Pol.* ii. 7. 3. 8.

[7] Which both the uncritical Meursius (*Creta*, p. 190) and the often hypercritical Grote (ii. p. 285) have allowed themselves to be misled into making.

by the intrinsic improbability of the case, but also by the testimony of Sosicrates, which is perfectly clear and unambiguous for every one who gives adequate consideration to the text bearing on the subject. Sosicrates, in contrast to the two serf classes of State slaves and private slaves, the Mnoitæ and Aphamiotæ, puts forward as a distinct class a body to whom he applies a term clearly intended to recall the Laconian institution, viz., Periœci.[1] At the same time, however, the scholar can clearly see from his words that this class was not termed Periœci by the Cretans themselves, but was denoted among them only by the general name of *ὑπήκοοι*, or subjects. We can hardly be wrong in imagining the relation to have been similar to that in Thessaly, where likewise, besides the Penestæ, who were on the same footing with the Helots or the Mnoïtæ and Aphamiotæ, there were also subjects who were by no means deprived of personal freedom, but yet were politically dependent on the Thessalians, such as Perrhæbi, Magnetes, Achæans of Phthiotis.[2] That no other commonwealth whatever existed in Crete beyond the autonomous Dorian States is an assumption totally without foundation, and, in my opinion, wholly unworthy of credit. There were non-Dorian cities as well, without autonomy or political independence, but which were dependent on one or other of the autonomous Dorian cities,[3] and which on that account may be compared with the Periœci of Laconia, even if the position of both was not entirely the same. For the Periœci of Laconia were incorporated in the State itself as its subject members, and formed along with the Helots the substratum, as it were, of the Spartan civic body; while the Periœci of Crete, on the contrary, were merely dependants, and in no sense members of the State under whose dominion they stood.

The civic body which bore rule in the states of Crete was without doubt, here as elsewhere, split up into tribes and subdivisions of tribes; but on this we have no particular information, except that we find the Dorian tribal name Hylleis mentioned in Cydonia.[4] There also existed certain

[1] His words (Athenæus, vi. 264 A) run as follows: *τὴν μὲν κοινὴν δουλείαν οἱ Κρῆτες καλοῦσι μνοίαν, τὴν δὲ ἰδίαν ἀφαμιώτας, τοὺς δὲ περιοίκους ὑπηκόους.* There are therefore clearly enough three classes mentioned, under three different names—(*a*) public slaves, (*b*) private slaves, (*c*) Periœci. The first are the *Μνωΐται*, the second were called *ἀφαμιῶται*, the third *ὑπήκοοι*.

[2] See above, p. 132.

[3] See above, p. 297, note 3.

[4] Hesychius, *sub voc.* The inscription in *Corp. Inscr.* vol. i. p. 400, no. 2554, a treaty between Latos and Olus, speaks of *ἀγέλας*, not *φυλάς*, or *δήμους*, or the like, as divisions of the people.

privileged gentes,[1] and, as a necessary consequence, a nobility of birth, an institution which we can only regard as a departure from the genuine Dorian principle of the equality of all citizens, whether it was introduced simultaneously with the first colonisation of the island, since a considerable number of other races were mingled with the Dorians, and it may be supposed that all had not equal rights; or whether it first appeared in later times, and was furthered by the inequality of property. For of an equal division of the allotments of land in Crete we have no information, any more than we have regarding any indivisibility and inalienability attaching to them,[2] so that the equality of property, even if it originally existed, must have been impaired here still more easily and more rapidly than in Laconia. A difference of ranks is also indicated by what we hear of the cavalry in Crete. For while in Sparta the so-called "horsemen" were chosen annually from the younger men, solely according to their merit, and served not on horseback, but on foot, the Cretan cavalry, on the contrary, were bound to keep a war-horse, a proof that they belonged to the richer class. They enjoyed, as it seems, certain political privileges as well.[3]

At the head of the administration there stood as the supreme authority a board of ten men, called *κόσμοι* or *κόσμιοι*, that is to say, Regulators, who were appointed,—whether annually or not is uncertain, though the affirmative is probable,—by election, but from among the privileged gentes.[4] They were the highest civil and military authorities, leaders of the army in war, presidents of the Council and the popular assemblies, and without doubt also judges or presidents of the courts.[5] The year was named after the chief of the board, the Protokosmus. Other magistrates are scarcely mentioned; but it is noticeable that a story in Herodotus, of which the date is somewhere about the beginning of the seventh century, introduces us to a king Etearchus at Axos,[6] though it is impossible to discover whether this person was a merely sacerdotal functionary, such as we find under the title of king at many places even in later times, or whether the supreme magistracy in Axos was differently constituted from that elsewhere, or, finally, whether Herodotus uses the name inaccurately for the Protocosmus. An inscription belonging perhaps to the third

[1] Arist. *Pol.* ii. 7. 5.

[2] Cf. Arist. *Pol.* i. 1. 4; Ephorus, in Strabo, x. 480, 482.

[3] Ephorus, in Strabo, x. pp. 481, 482, where it is indicated as an *ἀρχή*.

[4] Arist. *Pol.* ii. 7. 5.

[5] Cf. *Antiq. jur. publ. Græc.* p. 153.

[6] Herod. iv. 154.

century B.C. mentions πρειγίστους ἐπ' εὐνομίας,[1] or "Elders for the preservation of good order," who, as the context shows, had to maintain police supervision. Finally, we also find Pædonomi, who are mentioned as overseers of the education of the young.

The highest deliberative authority was a counsel of the Elders, called sometimes βουλή, sometimes γερουσία, and compared by Aristotle with the Spartan Gerousia, whence we may conclude that it possessed the same functions and privileges. We have also express evidence that the members were appointed for life, that they were subject to no responsibility, and that their proceedings were not regulated according to written law, but that they were guided by the best of their knowledge, and by their respect for right.[2] We are not informed what their number was, or at what age they were eligible; possibly, with regard to these points, the rule was the same as in Sparta. Nor is anything stated with regard to the mode of their appointment; we merely learn that none but ex-Cosmi found their way into the Gerousia, whence it follows that the Gerontes could only belong to the privileged gentes.[3] Finally, in the states of Crete the popular assembly had as circumscribed a right as in Sparta: that is to say, it possessed only the right to approve or reject the motions sent down to it by the Gerousia.[4] Plato[5] praises as one of the most admirable regulations possessed by Crete in common with Sparta the rule that none of the younger citizens were permitted to show off their cleverness on the existing laws, or to propose alterations, only the older men being entitled to discuss such subjects with those of their own age, and to bring any proposals before the proper authorities.

In the public discipline, the similarity between Crete and Sparta manifests itself still more than in the constitution of the State. There are the same principles, only more strictly fixed in Sparta by detailed provisions, and more consistently carried out than in Crete, where, moreover, it appears that exactly similar regulations did not exist in every city. In general, however, Plato's judgment on Sparta holds good also of the Cretan states, viz., that they possessed the discipline rather of a camp than of a city. Whilst in Sparta the public education commenced as early as the completion of the seventh

---

[1] *Corp. Inscr.* ii. p. 398. Πρείγιστος =πρέσβιστος.

[2] Arist. *Pol.* ii. 7. 6.

[3] Inscriptions mention also a βουλῆς πρήγιστος, *i.e.* πρείγιστος, equivalent to *princeps senatus*; cf. *Antiq. jur. publ. Græc.* p. 153.

[4] *Antiq.* p. 154, note 18.

[5] *Legg.* i. 7, p. 634.

[6] *Ib.* ii. 10, p. 666.

year, it did not begin in Crete until the seventeenth. Up to that time the boys were left in their parents' house, and were called sometimos *σκότιοι*,—"secluded," sometimes *ἀπάγελοι*, because they were not yet ranged in the Agelæ or divisions.[1] Nevertheless the younger ones, even at this age, were taken to the general messes by their fathers, at whose feet they sat upon the ground and there received their portions. The elder ones took their meals together independently under the superintendence of a Pædonomus; and they had to wait not only upon themselves, but also upon the men.[2] From their seventeenth year they entered the Agelæ.[3] They were not, however, as in Sparta, assigned by the Pædonomi to this or that division, but were accustomed to combine themselves, according to their own choice, round one of the most distinguished and prominent of the young men, so that the number varied[4] at different times. The leader of the Agela was usually the father of the young man round whom the rest had united. He was called the Agelatas,[5] and ordered, led, and superintended the games and exercises which, as in Sparta, primarily aimed at bodily culture alone. Among them the exercises in running seem to have taken a prominent place; and on this account the gymnasia or exercise-grounds were called among the Cretans *δρόμοι*[6] or running-paths. Next came the art of archery, in which the Cretans always distinguished themselves.[7] Besides these dances were included, especially, dances in armour. So the Pyrrhic dance was regarded by many as an invention of the Cretans.[8] Sham-fights also took place, the troops charging one another to the sound of flutes and citharas, and contending either with the fist or with weapons, sometimes wooden, sometimes also iron. Frequently, moreover, the chief of the Agela led it to the chase in the mountains and forests, in order thus to accustom the members to adroitness and vigour, and to inure them to hardships and privations.[9] Their clothing was

[1] Hesych. *sub voc.* *ἀπάγελοι*, and Schol. Eurip. *Alcest.* 989.

[2] Ephorus, in Strabo, x. p. 483; Dosiades and Pyrgion, quoted by Athenæus, iv. 22, p. 143.

[3] Hence *ἀγέλαστοι*, from *ἀγελάζω*; cf. Hesych. *sub voc.* Nauck's emendation (*Aristoph. Byz.* p. 95) is unnecessary; only the accent (*ἀγελάστους*) need have been changed.

[4] Ephorus, quoted by Strabo, *loc. cit. sup.*

[5] Cf. Heraclid. Pont. c. 3, and Schneidewin's note, p. 57.

[6] Suidas, *sub voc.* Hence also *ἀπόδρομοι*, the younger men not yet taking part in these exercises. Cf. the passages quoted by Nauck, *Aristoph. Byz.* p. 88 *seq.*

[7] Ephorus, quoted by Strabo, x. p. 480; Meursius, *Creta*, p. 178.

[8] Plin. *Hist. Nat.* vii. 56, p. 480, Gr.; Nicol. Damasc. in C. Müller, *Frag. Hist.* iii. p. 459.

[9] Heraclid. c. 3, 4; Ephorus, in Strabo, x. p. 480 and 483.

a poor tribon, and was the same winter and summer. It is certain also that they had common sleeping-places, though they seem to have been permitted sometimes to pass the night elsewhere, possibly in the house of their parents.[1]

For the cultivation of the intellect and the emotions provision was made in precisely the same way, and with precisely the same means, as in Sparta. Of instruction proper there was little; apart from the necessary knowledge of reading and writing the boys only learnt music—that is to say, they were taught to sing and to accompany their song with the cithara. The songs were for the most part lays in praise of the gods, or for the glorification of noble men, with exhortations to respect the laws and to practise those virtues in which the worth of the hero had consisted. The various kinds of songs were fixed, and no change might be made in them. The poet and musician held in most honour was Thaletas, who lived somewhere in the second half of the seventh century, and to whom were ascribed not only the invention of the Cretan musical rhythm and many of the native pæans and other songs, but also many legal ordinances.[2] Besides him, however, we hear of no Cretan eminent in poetry or other wisdom belonging to the time in which such men arose in no small number in other parts of Greece, with the solitary exception of Epimenides, and he in all probability belonged not to the ruling class of Dorians, but to the Perioeci.[3] To this same class moreover no doubt belonged Dipoinus, Scyllis, and others whose names the history of art has preserved as sculptors or architects. The Dorian rulers were only citizens and warriors, and were indeed not permitted to be anything else. All that pertained to the moulding of the young, to the excellence proper to a citizen, was expected to come from the intercourse and example of the men. For this reason the boys attended the common meals together with the men, and listened to their conversation. But that kind of closer connection between youths and men which we have found in Sparta was regarded in Crete from a similar point of view, though the custom as practised here possessed many features peculiar to itself. In form the relation was made to result from a forcible abduction. The man who had picked out a favourite among the boys at once announced his intention to the relatives and friends of the

[1] Heraclides, *loc. cit.* says τὰ πολλὰ κοιμῶνται μετ' ἀλλήλων.

[2] Ephorus, in Strabo, pp. 480, 481. At greater length in Hoeck, iii. p. 339 *seq.*

[3] The story that he was sent out as a boy by his father to search for a lost sheep (Diog. Laert. i. 109) is enough by itself to preclude his having been a son of one of the old Dorian lords.

latter; these sought in no way to conceal the boy or to keep him from his accustomed haunts, for this would have been considered as dishonourable either for the boy—as though he were unworthy of the lover—or for the lover, as though he were unworthy of the boy. The abduction itself however was met by them sometimes with a feigned resistance, of greater or less strength, according to their disposition towards the lover. But all opposition was bound to cease as soon as the abductor had succeeded in reaching his mess-room with the boy. Here he made him presents, and took him with him wherever he desired, though always accompanied by those who had been present at the abduction. Two months, and no more, were now spent in social intercourse and in common hunting expeditions. When this time, which we may term a period of probation, had passed, the boy was brought back into the city, and again received presents from his lover. The customary gifts were a war-dress, a bullock, and a goblet, though frequently others were added, and these of such value that the giver was compelled to claim a contribution from his friends on account of the expenses thus incurred. The bullock was sacrificed to Zeus, and the sacrificial feast participated in by the whole body of friends who had followed the pair during the two months. Then the boy was asked whether he was satisfied with the behaviour of his abductor or not. He might accordingly, if he had any complaint against him, bring it forward and demand satisfaction; in this case the relation was naturally dissolved. It was considered as a disgrace for a boy of beautiful form and honourable parentage to find no lover, because this was regarded as a sign that he had proved himself by his behaviour to be unworthy of love; yet in the choice of favourites personal beauty was less regarded than excellence and propriety of conduct. Those, however, who were found worthy of the love of a man were pre-eminently honoured among the other boys; they were given the best places in the gymnasia and at other assemblies, while they adorned themselves with the clothes given them by their lovers. When grown up also they still wore a special dress, and received the name of *κλεινοί* or "honoured." This was the term applied to the objects of affection; the lover was called *φιλήτωρ*. This name alone, which indicates, not, like *ἐραστής*, passionate impulse, but rather heartfelt affection, as well as the whole publicity of the relation, seem to afford a sure proof that originally it could have involved nothing immoral or obscene; and even though Aristotle[1] is of opinion that Paiderastia was enjoined by the

[1] *Pol.* ii. 7. 5.

laws of Crete, this is only an opinion, and no proof of a historical fact. It is, however, quite undeniable that the institution was not maintained in its original purity, but that it fell into abuse, and that on this account the Cretans were generally in ill repute among the remaining Greeks.[1]

In the Agelæ, and subject to the public discipline, the young men remained probably for ten years, and therefore until their twenty-seventh year.[2] Immediately after their release from these the law permitted them to marry.[3] Epigamia naturally existed only between those who belonged to the ruling class, while between citizens of different States it was sometimes secured by treaties.[4] The newly-married pair for a time did not dwell together; the young wife living in her parents' house until she seemed fit to preside over an establishment of her own. Hence it seems to follow that girls were usually married at a tolerably early age, though the custom may be based upon the same intention as was the permission in Sparta to the young bridegroom to visit his wife only by stealth and for a short time. Dowries were not forbidden; the daughters received half the portion of a son. That marriage was considered in Crete as in Sparta in the main only from the political point of view needs no proof. But whoever led a woman to commit adultery was punished, at least at Gortyn, not only by a pecuniary fine not exceeding fifty staters, which fell to the State treasury, but also by the loss of all the privileges of a citizen.[5] As to the position of the female sex no further particulars are known. A public education of the girls like that at Sparta, if it had existed, would certainly not have remained without mention. Family life we may imagine to have been more of a reality than in Sparta, because the sons were not withdrawn at so early an age from their parents' house. The common meals of husband, wife, and sons were, it must be admitted, absent in Crete as they were in Sparta, since the men and boys took their meals in the public Syssitia, from which the women were excluded.[6]

The Syssitia were called *Ἀνδρεῖα*, "the meals of men," and the companies who messed together Hetæriæ, and perhaps also Agelæ; and it is very possible that those who had been united

---

[1] Cf. Plato, *Legg.* i. p. 636; Plutarch, *de puer. ed.* c. 14. Further particulars are given by Meier, *Allg. Encyclopädie*, iii. vol. ix. p. 161.

[2] They were then called *δεκάδρομοι*, according to Hesychius *sub voc.*, though it must be admitted that it does not follow from this that they were exempted from discipline.

[3] Ephorus, in Strabo, p. 482.

[4] Cf. *Corp. Inscr.* vol. ii. no. 2556. 3, and 2554. 66.

[5] Ælian, *Var. Hist.* xii. 12.

[6] Hoeck, iii. p. 123.

in an Agela as youths remained united as men in the Syssitia.[1] The Syssitia, however, were held in a locality common to all, though, of course, at several tables, the number varying in each case according to the number of members. For stranger-guests some places were reserved, and in every place where such meals were taken there was found a table called the table of Zeus, receiver of strangers, upon the right of the entrance.[2] The cost of the common meals was met, if not entirely, yet by far the largest part of it, by the State treasury. A statement of Dosiades,[3] having special reference to Lyctus, is unfortunately not quite clear; but we may apparently gather from it the following account. Every citizen delivered the tenth part of the produce of his land to his Hetæria, and this body made over the total amount of all these contributions to the State treasury, or rather to that division of it from which the costs of the Syssitia were to be defrayed. We know, indeed, from other testimony[4] that the whole receipts of the State were divided into two parts, and therefore into two treasuries, the one for the service of the gods and the needs of the administration, the other for the Syssitia, or more properly for the maintenance of the citizens and their households. For membership in the Syssitia only belonged to the men and the boys of a certain age, while from this treasury food was provided also for the women and children, the latter term including the daughters and the smaller boys who were not yet taken to the Syssitia, and perhaps also for the domestics of the household,—a fact which affords an explanation of the statement that an annual contribution of one Æginetan stater had to be paid for every slave. From all these receipts flowing into the treasury of the Syssitia not only were the meals of the men paid for, but a proportionate sum was paid to every household for the maintenance of the wife, children, and slaves, all of whom took their meals in the house. If each man contributed the tenth part of his produce the contribution might, it is true, be somewhat considerable for the rich, but so small in the case of the poor man that it did not nearly cover the smallest portion of the

[1] In the treaty between Latos and Olus, *Corp. Inscr.* vol. ii. no. 2554, v. 32 and 45, it is provided that the Agelæ shall take an oath to observe it. Here we have clearly to suppose not the divisions of the young men, but divisions of the citizens.

[2] Athenæus, iv. 22, p. 143.

[3] In Athenæus, *loc. cit.* The epitomiser has made his extracts carelessly. Haase, *Miscell. Philol.* in the treatise prefixed to the *Breslauer Lect. Catal.*, 1856-57, wishes to get rid of the obscurity by a very easy emendation. But the explanation he there gives is very uncertain, since it cannot be reconciled with the express statement of Dosiades, that there was only one house, the *ἀνδρεῖον*, for the meals of the citizens.

[4] Arist. *Pol.* ii. 7. 4.

provision necessary for him and his. Accordingly, it might with truth be said that all were fed at the common cost. The delivery at the State treasury by the several Hetæriæ of the total contributions of these members was necessitated by the circumstance that the relative members of rich and poor might vary in the several Hetæriæ, while the contributions were intended to benefit in equal measure all the citizens of all the Hetæriæ. Frugality was certainly prescribed in the Cretan Syssitia as well as in those of Sparta; but we have no particulars regarding the regulation of the food. We have merely the statement that the boys received only meat—half the portion of an adult—but no other kind of food; and that orphans, in particular, were provided with food to which no kind of condiment was added. For drink a bowl of wine mixed with water was placed on the table for the whole party, and out of this every man filled his cup. After they had finished eating another was brought in. The older men might drink as much as they pleased, the younger were obliged to content themselves with their allotted portion. The meals were taken sitting, not lying down. Before the meal a prayer was offered, and a drink-offering poured out; and when all was finished they still remained for a time together discussing public affairs, or conversing on other subjects, the young men being permitted to listen, that they might be taught by admonitions, and by examples of eminent men and famous deeds. Drinking parties, however, were forbidden in Crete as in Sparta.[1]

The task of attending to the Syssitia, so far as regarded the preparation of the food, was intrusted to a woman, to whom some three or four persons of lower rank were assigned as assistants, as well as some slaves to help in the cooking. These, from the circumstance that their especial duty was to get the wood, were called Calophori. This woman set the best of the food contributed before those who were distinguished by bravery or wisdom, though whether she had to follow her own judgment or the direction given her by the president of the Syssitium is not stated. Nor is it more certain who it was who acted as president, whether a magistrate or some one elected by the company at table. We only hear that the president enjoyed certain emoluments, and in particular, besides the portion set before him as before the rest, the share of three others as well, one for his function as president, another for his household, the third for the utensils used at table.[2]

[1] Plato, *Minos*, p. 320 B.

[2] Heraclides Ponticus, c. 3. 6. Haase (in the treatise prefixed to the *Breslauer Lect. Catal.*, 1856-57) reads τῶν

The provision of the guests' tables at the Syssitia proves that the visits of strangers were frequent, a view supported by the fact that in the cities special inns called *κοιμητήρια* or sleeping-places were set apart for their reception. It may, however, perhaps be assumed that these institutions were intended not so much for foreigners as for persons who, though members of different States, yet belonged to the same race, and with whom there was naturally more frequent and active intercourse. That the Dorians, in Crete as elsewhere, maintained an attitude of dislike towards everything foreign is not to be doubted, and even though there is no mention of any measures corresponding to the Spartan Xenelasiæ, yet all foreign travel was prohibited in Crete also, at least to the younger men, in order that, as Plato says,[1] they might not thereby unlearn what they had learnt at home. Against too frequent visits of foreigners in great numbers a protection existed in the insular position of Crete; when, however, intercourse by sea became more frequent throughout Greece, Crete was no longer able to remain apart from it, the less so since many of the most necessary requirements were either not obtainable at all upon the island or were not found in sufficient quantity.[2] The Dorian lords, indeed, pursued no trade or handicraft themselves, but left these to their Mnoïtæ, or to the non-Dorian inhabitants of the dependent States; but it could not but happen that in the course of time even they themselves departed more and more from their own strictness and exclusiveness, and, attracted by the charm of gain, gave themselves over likewise to trade and maritime pursuits. Hence, of necessity, the difference between them and the non-Dorian Cretans, became more and more obliterated, the two classes mingled, and the special Dorian character was for the most part lost, although the old institutions maintained themselves, to outward appearance, for a considerable time. This must have been the case in the highest degree in Lyctus, Gortyn, and several other smaller States, which took less share in the active intercourse of the rest.[3] Elsewhere, as early as the time of the Peloponnesian war, we see bodies of Cretan mercenaries fighting

συσκήνων for *τῶν σκευῶν*, and is of opinion that the president was enabled, by means of this portion, to confer an honour on one of the members of the mess, whilst he was allowed to set apart that for the household for his own family, and the *ἀρχικὴ μοῖρα* for any one else he pleased. Haase rightly rejects the idea of a critic who had inferred from Heraclides' statement that the Syssitia were held in private houses.

[1] Protag. ii. p. 342 D. That teachers of rhetoric were not permitted in Crete is stated by Sext. Empir. *adv. Math.* ii. 20, 21.

[2] Cf. Hoeck, iii. pp. 422 and 427.

[3] Strabo, x. 4, p. 481.

in the service of foreign States;[1] and the Cretans were even then in evil repute among the remaining Greeks as dishonest and untrustworthy, slaves to their indolence and their gluttony,[2] although it is impossible for us to distinguish how much of this is chargeable to the original Dorians in Crete, and how much to the Cretans of other races. The difference, it is very probable, was by this time hardly perceptible in any quarter. In the States of Crete, however, party struggles took place with as great frequency and violence as among the majority of the remaining Greeks, especially since the inequality of property, which in the course of time had continually increased, was accompanied by a distinction between rich and poor, not perhaps in their legal rights, but at any rate in their claims and their influence. In Aristotle's time the dignity of Cosmus was frequently attained by persons who were entirely unfit for the post,[3] that is to say, who, apart from their descent from the privileged races, could put forward no other claim. It also not unfrequently happened that a powerful section directly refused to obey the lawful authority, and that even the Cosmi were entirely put aside, and a kind of interregnum, the so-called Acosmia, ensued; while, on other occasions, the Board of Cosmi became divided among themselves, and one party either forcibly expelled its adversaries or succeeded in compelling their resignation,—a course which was permitted by law.[4]

The later constitution of the states of Crete, so far as we are enabled to become acquainted with it from the extant records, bears an unmistakably democratic stamp. The general assembly of the people decides on all subjects, and the government receive their instructions from it and act as it directs. The mutual relations of the states were not at any time fixed and regulated, but alternated between reconciliations and conflicts, in which now one state, now another, won a predominance over a larger or smaller number of the rest. As regards external affairs, the Cretans sullied their reputation by piracy, but nevertheless maintained their independence until the first century B.C., when, in consequence of their alliance with Mithridates of Pontus and the Cilician pirates, they found themselves at war with Rome: the consequence of which was the subjugation of the island and its reduction to a Roman province.

---

[1] Thuc. vi. 25; vii. 57.

[2] Cf. Hoeck, p. 456 *seq.*, and Dorville on *Chariton*, p. 332. On the other hand, Plutarch, *Philopœm.* c. 7, praises the Cretans as still in Philopœmen's time *σώφρονες καὶ κεκολασμένοι τὴν δίαιταν.*

[3] Arist. *Pol.* ii. 7. 5.

[4] *Ib.* § 7.

CHAPTER III.

THE ATHENIAN STATE.

SECTION I.—*Historical Survey.*

ANCIENT poets called Athens "the City of the Violet Crown," with an unmistakable play upon the name of the Ionian stock to which it belonged, and which called to mind ἴον the Greek word for violet. Some[1] have thought that the Athenians were ashamed of their name, and disdained to be called Ionians; this opinion is certainly false, but it is capable of explanation. The Athenians had so far outstripped the remaining Ionians in every respect, that it seemed in fact hardly possible to regard them as members of that race. The Ionian race has already been described as that which, by its many-sided endowments, by its open receptivity, and by an activity eager to exert itself in every direction, had raised itself above the level of the Doric race; whose character, though massive and powerful, was also hard and one-sided. But it is equally true that among the Ionians again it is the Athenians who not only show us the character of the race in its richest and fairest development, but who also longest resisted the deterioration to which the remainder of the Ionic race soon fell a victim. Rightly is Athens called the ornament and the eye of Greece, a Hellas within Hellas. Athens is primarily intended when Greece is extolled as the home of free and many-sided human culture: since without Athens there would be nothing in Greece to deserve this kind and degree of praise. We may not indeed shut our eyes to the fact that even here the bright sides are counterbalanced by dark and gloomy shadows, and that the time of bloom was but short, while that of decay was long: but while we lament the imperfection and perishableness, the common lot of everything earthly, we shall feel ourselves all the more called upon to rejoice in the Good and the Beautiful, wherever it exists and so long as it remains.

---

[1] Herodotus, i. 143, v. 69.

I.—Land and People.

The country the Athenians inhabited was of inconsiderable extent: it contained scarcely 850 (English) square miles.[1] Moreover, it did not belong to the number of those countries that are richly endowed with natural gifts. The light and scantily-watered soil, of slight depth and resting on a stratum of rock, produced wheat, the most necessary requisite of life, only sparingly, and not in sufficient quantity to support a numerous population. Many parts were adapted rather for pasture for goats and sheep than for agriculture, and the fruits which it produced in plentiful measure, and of peculiar excellence, especially olives and figs, served rather to minister to refined enjoyment than to satisfy necessary wants. For the latter, accordingly, the Athenians had their attention turned abroad: intercourse with other lands by sea was facilitated by the form of the country,—a peninsula running out into the sea,—as well as by several harbours on the coast: and since they had but little raw material to offer for exchange, they were compelled rather to turn their thoughts towards the products of skilled industry. And if the character of their country contributed, as no doubt it did, to spur them on to activity and industry, its circumstances in other respects, and the climate they enjoyed, were not a little adapted to insure health to their bodies, and cheerfulness and freshness to their minds. For as one of their poets expresses himself, neither oppressive heat nor freezing cold was sent by heaven to the country, over which it was spread in the purest clearness, and whilst it enlivened with its light the country, pleasantly diversified as it was with valleys and mountains of moderate height, but picturesque forms, it also awakened the minds of the inhabitants and filled them with bright pictures.

The population of Attica, during the flourishing periods of the State, may be reckoned at about half a million, of whom no doubt more than two-thirds, that is to say, at least 365,000, were slaves. From the remainder must be deducted 45,000 foreign settlers, so that the free citizen population did not exceed 90,000.[2] Small as this number is, yet in fact no greater multitude of men who were both free and united into a true

---

[1] Böckh, *Pub. Ec. of Athens*, p. 31, Eng. tr.; Clinton, *Fast. Hellen.* ii. p. 385, reckons it as only 720 English or 34 German square miles.

[2] Böckh, *loc. cit.* and pp. 34-36, Eng. tr. For other estimates with more or less variation, see Hermann, *Privatalterthümer*, i. 6, 7; Clinton, *Fast. Hellen.* ii. p. 391; Leake, *Topog. of Athens*, i. p. 618 *seq.*

national society, lived in any other district of Greece, not even in those which surpassed Attica in extent. For—not to speak of those in which, as in Laconia, even the personally free inhabitants stood in the relation of subjects to the State, not of equally privileged members—elsewhere, as in Bœotia, Argolis, Arcadia, there were several small States only loosely bound together, and often at variance with one another,—not a single state-union such as was realised in Attica even in very early times. In Attica, however, this union was, without doubt, essentially facilitated by the fact that the population did not consist of a mixture of different stocks which had immigrated at different times, and which either maintained themselves side by side in independence or passed into the relation of lords and subjects, but was, on the contrary, an autochthonous population. By this term we understand a population that had from time immemorial preserved its identity and remained in possession of the country; and on this account the Athenians had good reason to take pride in this circumstance. Even in Attica, however, migrations had not been entirely wanting. In the earliest period, when in the rest of Greece the populations were continually changing their dwelling places, single bodies of emigrants driven from their old homes were drawn to Attica, as well as to other regions;[1] and traditions on the subject existed in latter times, as well as perceptible traces of the original difference in race.[2] But these immigrations were neither so frequent, nor undertaken in such force, as to have been capable of exercising an essential influence on the primary stock of the population. We cannot regard as an exception to this even the largest and most powerful of all, in which, according to tradition, a horde immigrated into Attica from Southern Thessaly, the home of the pre-Hellenic population, under the leadership of Xuthus; whose name in truth perhaps denotes none other than the god of the race, the Pythian Apollo. This body of immigrants, we are told, furnished aid to the Attic population against the Chalcodontides of Eubœa, and received as a reward dwelling places in the northern part of the country, where was situated the so-called Tetrapolis, comprising the four cities of Marathon, Probalinthus, Trikorythus, and Œnoe. That a population really existed here differing from that of the rest of Attica, and more closely allied to the Dorians or to the Hellenes properly so called, may be

---

[1] Thuc. i. 2.

[2] See the references in Schöm. *Antiq. jur. publ. Græcorum*, p. 162, note 4, and Curtius, i. pp 298, 304, Eng. tr.

inferred from many traces in the traditions and the worship of this region.[1] But of a subjugation of the native population by these immigrants tradition knows nothing, and what more modern inquirers have brought forward on the subject is anything but convincing. We can only go so far as to speak of a fusion of the immigrants with the natives, and if, as is natural, this could not remain without influence in various ways, yet this influence was exercised in a higher degree by the natives on the immigrants than by the immigrants on the natives. True, even the ancients, though in a myth which can be proved to have been invented a considerable time after the migration of the Heraclidæ, misconceived this fusion, deducing the name of the Ionian people from an Eponymus Ion, and making the latter a son of the immigrant Xuthus, by Creüsa the daughter of the native king, and accordingly regarding the Ionian people as sprung from the mixture of the immigrants with the natives. Against this there is to be said that the Ionian name by no means arose first in Attica and thence spread further, but that it once prevailed in a great part both of central Hellas and of the Peloponnesus, and that its limitation to Attica and the islands and coast-districts of Asia Minor, which were colonised after the migration of the Heraclidæ, did not take place until a later period. The Ionians who were found in Attica and elsewhere in Hellas in primeval times had of course immigrated from Asia, as certainly as all the remaining Grecian stocks; but that they first immigrated all together at a later time, and settled only in the districts already possessed by others on the coasts as a sea-faring people, is at least incapable of proof. The return to Asia, however, was occasioned by the immigration from Ægialea of a people related in race to the population of Attica, who, when compelled to retire before the Achæans, withdrew into the country where their relatives were settled, and whence they had themselves, if not all, yet in great part, immigrated into Ægialea. This immigration into Ægialea had been a consequence of the advance of Xuthus into Attica and of the overpopulation which had then arisen, and the emigrants from Attica to Ægialea were a mixed population, composed of the aboriginal inhabitants of Attica and the Hellenic immigrants fused with them, and to whom the myth has likewise

[1] Especially in the cult of Heracles at Marathon (Pausan. i. 32. 4), and the fact that the Heraclidæ are stated (Strabo, viii. p. 374) to have attached to themselves, during their march to the Peloponnesus, people from the Attic Tetrapolis; cf. also Diodor. xii. 45, as to the Tetrapolis having been spared in the invasion of the Peloponnesians in the Peloponnesian war.

transferred the Ionian name, the origin of which it places in Attica. When subsequently, in a time when Ionians were only known in Attica and the coasts and islands colonised from that country, the task was undertaken of setting up an Eponymus for the race, there was a temptation to attribute him to Attica, because it was to it that those migrations, whose result was the colonisation of the Ionian coasts and islands, had owed their beginning. And because this beginning—that is to say, the advance from Attica to Ægialea—had been occasioned by the Hellenic immigration under Xuthus, the eponymous ancestor of the Ionians was brought into connection with this latter personage, and was made his son. But to regard as Ionians on that account Xuthus himself and the Hellenic band who immigrated with him, to speak of an Ionic immigration from Thessaly to Attica, and of a subjugation and thorough transformation of the original Pelasgic population by Ionian conquerors, as some modern inquirers have done, is, I am persuaded, completely inadmissible. On the contrary, the proper and genuine Ionians of Attica are those original Pelasgic inhabitants themselves, the so-called Cranai or Cecropidæ, whom, since they cannot be regarded as Dorians, the inquirer must either explain as Æolians, or must resolve to regard as a branch of the third stock, for whom we have no other collective name than Ionians. To the Hellenic immigrants of Xuthus, who belonged to another stock, the name was first transferred in consequence of their fusion with the former.[1]

2.—The Earliest Constitution.

When these immigrants into Attica found admittance and obtained possession of the Tetrapolis, the whole country, according to the tradition, was already under one king, who had his seat in Athens. Side by side with him, however, there were also kings in other parts of the country, so that he can only be regarded as the supreme king over the others, a relation which we have found existing elsewhere in the earliest times. The division of Attica into several small principalities can admit of no doubt, though their number and mutual relations may have changed, and cannot now be established with certainty. The ancients speak sometimes of twelve States, which are said to have existed before the combination into a united and collective

[1] The complete statement and confirmation of the view here given only in its main features will be found in the *Animadversio de Ionibus*, Schömann, *Opusc. Academ.* i. pp. 149-169.

whole;[1] sometimes of a division into four districts answering to the natural division of the country into Diacria, Paralia, Mesogæa, and Acte.[2] But from their contradictory statements it is easily seen that we have here to do not with historical traditions, but with combinations which every one might set up in his own way, and only the division into several small districts can be considered free from doubt.

What kind of circumstances and relations may have been effectual in removing this division, and uniting the whole country and people under the rule of a single prince, it is impossible to determine with any certainty. We shall here content ourselves with the statement that tradition names Theseus as the person who effected this transformation, and raised Athens to the position of a central power from which alone the whole country was ruled, so that the separate kingdoms which had hitherto existed henceforward disappeared.[3] That this did not take place without opposition and contest may be inferred from the myths concerning Theseus, who is said to have been compelled by his adversaries actually to leave the country, and to have betaken himself to the island of Scyros, whence in later times Cimon brought his remains to Athens.[4] The change ascribed to him remained, however, and Athens, until the period immediately succeeding the migration of the Heraclidæ, was ruled by a single dynasty of kings. But about the time of the migration above mentioned the kingdom passed from the native royal house to a clan that had immigrated from Messenia—the Nelidæ. Two princes of this clan, Melanthus and his son Codrus, occupied the throne until, after the death of the latter, the kingdom, in the form it had possessed up to this time, was abolished, and in its stead a responsible supreme magistracy introduced, which however for a time still remained with the Nelidæ, or, as they were now called, the Codridæ. This office, being hereditary and held for life, differed from the monarchy only in the greater limitation of its power, and in its responsible character, for which reason its owners are still called kings as often as archons.[5] That this alteration too can hardly have been effected without some struggles may be regarded as certain, but no statement of any historical value can be made regarding them.

As standing in close connection with that union of the

[1] Strabo, ix. p. 397.
[2] Cf. *de Comit. Ath.* p. 343.
[3] Thuc. ii. 15; Plutarch, *Thes.* c. 24.
[4] Diodor. iv. 62; Plut. *Thes.* c. 31, 32, 36.
[5] Pausan. iv. 5. 4; cf. i. 3. 2; Perizonius on Ælian, *Var. Hist.* v. 13; Duncker, *Gesch. des Alterthums*, iii. p. 431.

people into a political body which is ascribed to Theseus, we must consider the organisation of this body, which consisted in the appointment of certain divisions of the people, which maintained themselves to the end of the century, and served as a basis for administration. These divisions were called Phylæ, Phratriæ, and Gentes, terms evidently implying some relation of kinship. Such a relation must therefore certainly be regarded as originally lying at the basis of these divisions, with the limitation, however, that such relations are not implied alone and exclusively, but that in many ways local relations had also their influence. The Gentes, in the first place, were bodies which took their name from a supposed common ancestor, and carried out a common cult in his honour. These unions for worship consisted of a number of households or families, dwelling together in a certain limited district, some of whom were actually united by common descent, though probably more were associated with them only on grounds of convenience and of local relationship. The average number of such households united into a gens is stated to have been thirty,[1]—a statement with which we may content ourselves, with the qualifying assumption that there may have been more or less in reality. Thirty gentes belonging to the same district were united into a larger union called a Phratria, which likewise maintained a common worship of the divinities that were considered the patrons of the body. Finally, three contiguous Phratriæ together formed a Phyle or tribe, and this also was bound together by the worship of certain divinities. These tribes were four in number, and consequently the total number of the Phratriæ was twelve, that of the gentes 360. But it is clear that these definite numbers could only be the result of an artificial system of regulation, erected indeed upon the basis of natural relationship, but in many ways replacing and determining it; and also that such a system was impossible until the whole people had united itself into a political whole.

The names of the four tribes are: Geleontes, Hopletes, Ægicores, Argades,[2] of which the last three are unmistakably

[1] Hence the Gentes were also called τριακάδες, Pollux, viii. 111; Böckh, *Corp. Inscr.* i. p. 900.

[2] Herod. v. 60; Pollux, viii. 109; and Eurip. *Ion*, v. 1596 *seq.* As to the nature of these four Phylæ, as to which very different views have been put forward, the exhaustive treatise of A. Philippi (*Beiträge zu einer Gesch. d. Ath. Bürgerrechts;* Berlin, 1870) should especially be consulted (pp. 234, 280). The treatise of a Swedish scholar (S. F. Hammarstrand, *Attikas Författning under Konungadömets tidehvarf;* Upsala, 1863) is also well worthy of notice, and deserves to be made accessible to readers through the medium of a translation.

appellatives, and denote respectively armed men or warriors, goatherds and workmen. That such a system of naming the Phylæ really expressed a caste-like limitation of them to certain callings is as improbable as it is, on the other hand, inconceivable that names with certain meanings attached to them were attributed to the Phylæ without any reference to their meaning, and therefore merely arbitrarily. The most probable supposition is that each Phyle was named according to the mode of life and the employment pursued by the majority or the most important part of its members. If, accordingly, there was a part of Attica whose inhabitants were principally devoted to the rearing of cattle, especially of goats, the Phyle living there was, for precisely that reason, called the Phyle of the Ægicores. Similarly the name Argades was given to that Phyle whose population, in consequence of the natural character of the district it occupied, consisted principally of working men, and the name Hopletes to that tribe in which the military and weapon-bearing population was especially numerous. On this account one might be inclined to explain the Phyle of the Hopletes as the Hellenic immigrants who once fought under Xuthus for the people of Attica against the Chalcodontides of Eubœa, and who in return for this received the Tetrapolis on the coast looking towards Eubœa as a dwelling-place. If this were so, the Tetrapolis, and besides it, of course, a considerable portion of the country bordering upon it,[1] would at a later time, when the divisions of the people were being regulated, be called the Phyle of the Hopletes. The neighbouring highlands, with Brilessus and Parnes as far as Cithæron, are without doubt to be regarded as the seat of the Ægicores properly so called, because here the natural features of the country made the rearing of cattle the principal occupation, though of course it is not meant by this that Ægicores, in the primary sense of goatherds, lived here exclusively and solely. More probably the district was called the Phyle of the Ægicores, because goatherds were here the most numerous; and even if, in the political organisation of the district of the Phyle and the determination of its boundaries, a part also of the neighbouring country was attached to this highland, and that part one in which the raising of cattle was no longer, in a like degree, the principal industry, this did not of necessity interfere with the name Ægicores being given to the Phyle as a collective body, on account of this particular portion contained in it. If, as I have previously assumed, only agricul-

[1] See Schömann, *Opusc. Acad.* i. p. 177.

turists are to be understood among the Argades, we must suppose the tribe named after them to have been situated in that portion of the country which extends from Brilessus towards the west and south, and in which lay the three greater plains—the Thriasian, the Pedion or Pedias, and the Mesogæa, which were, above all others, suited for agriculture. But we must not claim the whole of this portion for the Argades, since there can be no doubt that the nobility also to a great extent had their possessions in this district. If, on the contrary, the Argades are regarded as the industrial classes generally, among whom are to be reckoned in particular fishermen, sailors, traders, and miners, the Paralia may be assigned to them with the most probability, as has been done by many recent inquirers. The name Geleontes is, it must be admitted, of very doubtful signification; but of all attempts to explain it none has more probability than that which regards it as a designation of the nobles as the distinguished and illustrious.[1] The principal seat of the nobility was without doubt the capital city[2] and its neighbourhood, and the part of the country to which these belonged received its name from that circumstance. It was called the district of the Geleontes, and all that dwelt in it, whether noble or not, were reckoned as belonging to the Phyle of the Geleontes. Every Phyle, as has already been stated, was divided into three Phratriæ, of which there were accordingly twelve in all, and this may be the ground on which ancient writers also assume twelve as the number of the cities which had existed before Theseus as the seats of the small principalities into which the country had at that time been divided; for it is scarcely credible that in reality a definite tradition regarding the number of these had been preserved. The names we find mentioned in Strabo[3] are: Cecropia (the Athens of later times), Eleusis, Aphidna, Decelea, Cephisia, Epacria, Cytheron, Tetrapolis, Thoricus, Brauron, Sphettus, to which, in order to complete the number of twelve, Phalerus is added in some MSS. Of the Tetrapolis it is known that it contained the four little cities of Marathon, Probalinthus,

---

[1] This view is adhered to by Th. Bergk, *Neue jahrbücher für Philol.* lxv. p. 401, and S. Weber, *Etymol. Untersuchungen* (Halle, 1861), p. 40 *seq.* For other conjectures see Hermann, *Staatsalterthümer*, § 94. 6. Plato, who in the imaginary description of the old Athenian State certainly had the Ionian constitution in mind, seems to have regarded the Geleontes as a noble caste of priests, the Hopletes as a similar class of warriors. Cf. Susemihl, *Genetische Entwickelung d. Platonischen Philosophie*, ii. p. 480.

[2] Εὐπατρίδαι *οἱ αὐτὸ τὸ ἄστυ οἰκοῦντες*, *Etym. Magn. p.* 395. 50.

[3] Strab. ix. p. 397.

Tricorythus, and Œnoe; the neighbouring district of Epacria, situated farther to the southward, included three places—Plothia, Semachidæ, and a third, of which the name is unknown.[1] Instead, however, of Phalerus, which at present is named in the text of Strabo, it is very probable that a second Tetrapolis was mentioned, though we cannot ascertain of what places it was composed.[2] The question, whether the division of the country denoted by these twelve names corresponded to the division into a like number of districts, we must leave simply to rest on its own merits, since we are not in a position to offer either proof or disproof.[3] Finally, the Gentes, of which there are stated to have been thirty in each Phratria,—a statement we refrain from discussing,—consisted, as we are expressly assured,[4] by no means entirely of families really united by a tie of kinship, but, on the contrary, included families not so related. All these families possessed in common the cult of an eponymous ancestor, though in other respects they were very unequal in rank and dignity. Some might in fact consider themselves the true descendants of the Eponymus, and take rank as the genuine and noble members of the gens; while in contrast to these, others were merely associated with them as the commonalty or non-noble element, and stood towards them in a relation of inferiority.[5] The names of many gentes point to certain employments or modes of life, *e.g.* *Βουζύγαι, Βουτύποι, Δαιτροί, Κήρυκες, Φρεώρυχοι, Χαλκίδαι*: but we must not let ourselves be misled by this into regarding them as a kind of castes, pursuing some particular hereditary occupation. Rather they were so called partly in honour of mythical ancestors, to whom tradition ascribed some influence in connection with the foundation of this occupation, partly because of certain functions connected with ritual, which the heads of the gens had to perform on the occasion of festal celebrations of the worship,[6] though these functions in no way converted them into workmen or artisans, since, on the contrary, they belonged to the highest

[1] Böckh, *Corp. Inscr.* i. p. 123.

[2] Cf. Haase, *Die Ath. Stammverfassung* (*Abh. d. Hist. Phil. Gesellschaft in Breslau*), i. p. 68. Haase has also recognised with remarkable penetration the traces of another account in Suidas, *sub voc.* *ἐπακρία χώρα*, and *Etym. Magn.* p. 352, an account which assumed four States and two Tetrapoles—Epacria, and Acte with the chief city Cecropia. Cf. also Philippi, p. 259 *seq.*

[3] See, however, Schömann, *Opusc. Acad.* i. p. 173 *seq.*

[4] Pollux, viii. 111; Suidas, *sub voc.* *γεννῆται.*

[5] The opinion of some recent inquirers, that this was first introduced by Solon's legislation, while the gentes and also perhaps the Phratriæ and Phylæ previously included only the nobles, is incapable of proof.

[6] Cf. Preller, *Mythol.* i. p. 163.

nobility. The general name of the nobility is Eupatridæ;[1] in contrast to them, the non-noble population associated with them is sometimes termed Geomori, sometimes Demiurgi. The first of these two names denotes landholders, though it may have included lessees or tenants besides small landed proprietors; Demiurgi are artisans of various kinds who work for hire.[2] Both classes, however, were politically without importance, and may at best have been summoned now and then to popular assemblies, if it seemed desirable to the rulers to communicate their resolutions to the multitude, or to insure their support, as we have found in the States depicted by Homer. On the other hand, the guidance of public affairs in conjunction with the king, as of his counsellors and assistants, the administration of justice, the priestly functions, and everything connected with the administration of the executive power, fell to the Eupatridæ alone.[3] But of executive magistrates, in this early period, we find no mention, and can only suppose that chiefs of the Phylæ (φυλοβασιλεῖς), of the Phratriæ (φρατρίαρχοι), and of the Gentes (ἄρχοντες τοῦ γένους) existed then, as they certainly did at a later date. Nor do we know more with regard to the administration of justice and the sitting of the courts, except that the courts of justice, which on the Areopagus, and at other places subsequently to be mentioned, tried cases of blood-guiltiness and similar crimes, have a high antiquity ascribed to them, reaching back even to the time of the monarchy. Finally, the composition of the council of nobles which assisted the kings is entirely unknown to us,[4] though it is certain that there must have been such a council, and it is not improbable that it was this which acted as the tribunal in the cases of bloodshed above referred to. When after Codrus's death the archonship, or, in

[1] That not only the old and presumably autochthonic gentes of the nobles, but also those noble gentes that had immigrated, were Eupatridæ, is clear from the mere fact that the most eminent gens of all, the Codridæ, belonged to the immigrant class. Cf. Schömann, *Opuscula Academica*, i. p. 235.

[2] According to *Etym. Magn.* p. 395, 54, and *Lex. Seguer.* p. 257, they were also called Epigeomori, which, if we may build upon it, may show that they were principally agricultural labourers. The confusion (found in some ancient writers) of these classes with the Phratriæ is an error, which I must admit I shared in fifty-two years ago, but have long since corrected, and which I therefore should prefer not to see perpetually brought forward as my view.

[3] Plutarch, *Thes.* c. 25; Dionys. *A. R.* ii. 8.

[4] One recent writer makes it consist of twelve, another of three hundred and sixty persons, the one reckoning according to the number of the Phratriæ, the other according to that of the gentes. Either view no doubt is possible.

other words, a limited and responsible monarchy, was introduced, it was no doubt to the same high council that the right belonged of enforcing the responsibility of the archon, and controlling the government which he exercised.

3.—Changes in the Constitution before Solon.

The first of these archons was Medon, the son of Codrus, and the dignity passed by inheritance to his successors, who are called Codridæ or Medontidæ, for about 316 years. Of the whole of this period no further particulars can be given. An alteration introduced at the end of it consisted in limiting the tenure of the office to ten years. It still remained, however, in the exclusive possession of the Medontidæ, till one of them, Hippomenes, through his cruelty, as it is stated, excited such hatred against himself that he was removed from the office, which henceforward was thrown open no longer only to the gens of the Medontidæ, but to all Eupatridæ. Not long afterwards a still more important alteration was devised. Instead of the one archon that had until then existed, a board of ten persons, changing annually, was instituted, and this board divided among themselves the functions of the office. The highest member of the board bore the title of Archon *par excellence,* and the year was called after his name. The second was called Basileus or king, the third Polemarch (commander-in-chief), the remaining six Thesmothetæ (judges). The first in the series of these annual archons was called Creon, the eponymous magistrate of the year 683 or 686; his predecessor, the last archon who held office for ten years, having been Eryxias.

These changes in the supreme magistracy had unmistakably proceeded from the efforts of the Eupatridæ to secure a more general participation in the State authority. They prove accordingly how amongst this class an effort towards equality had been excited, which refused to tolerate first the precedence of a single gens, and afterwards the administration of the supreme magistracy by the same person during a long period of years. But the position of the inferior multitude was not improved by these changes, but rather had deteriorated. A privileged class of nobles always tends to pursue its private advantage at the expense of the lower orders, though in earlier times the supreme magistracy, assuming as it did an independent position above the nobility, might for that very reason be in a position to attach the people to itself against that nobility,

while now, on the contrary, after the nobility had subjected the supreme magistracy to itself, and brought it under its own power, there was no longer any barrier that prevented its occupant from injuring and oppressing the inferior classes. In particular, the small landholders in the country were maltreated by the noble lords, whose neighbours, and probably to some extent tenants, they were. In a country like Attica, which rewards but sparingly the labour of the agriculturist, it must frequently have happened that the smaller proprietor asked his richer neighbour for an advance of money, or that the tenant remained in arrear with his payment. But the law of debt was strict; the creditor might take possession not only of the property, but also, if this did not suffice, of the person of the debtor and enslave him. In this way not only had a large portion of the small landed properties actually fallen into the hands of the rich nobility,[1] and the former proprietors become serfs (*θῆτες*) who were obliged to deliver to the creditor five-sixths of the produce,[2] but many also had been either sold as slaves into foreign countries, or compelled to give up their children instead of themselves for slavery, this also being permitted by the law.[3] It may be imagined that proceedings of this kind, when they happened often, and over a wide extent of country, necessarily embittered the disposition of the people against its oppressors, and this embitterment, which could not remain concealed from the nobility, enabled the latter to have recourse to a measure which it hoped would satisfy and quiet the people. Up to this time the law according to which judgment was passed in cases of dispute had not been drawn up in definite statutes, but consisted in a more or less indeterminate tradition, which of necessity left the greatest scope for the arbitrary decision of the judge, whilst the judges, belonging exclusively to the nobility, might but too often be inclined to regard the interests of the members of their own class in disputes with inferiors at the expense of justice and impartiality. Against such a misuse of the judicial power the people was now to find a protection in a written code of legis-

[1] The properties themselves were, as it seems, inalienable, and hence only their income, not themselves, could be pledged.

[2] Some indeed state that they delivered only one-sixth, keeping five-sixths for themselves; in this case, however, it would be inconceivable how this payment could ever have been felt as very oppressive. The correct view (put forward *De Comit. Ath.* p. 362) is now generally adopted. For regarding the *ἑκτημόριοι* and *θῆτες* two different classes, as some do, I see no reason. No doubt not all Thetes were Hektemorii, though probably all Hektemorii belonged to the class of Thetes.

[3] Plut. *Sol.* c. 13.

lation, which henceforward would lay down the rule for decisions, and set limits to the arbitrary will of the judge. The commission to codify the laws was given to Draco, who in the year 621 probably occupied the post of archon. With regard to the details of his legislation we have little information, and especially are not at all in a position to decide how far his provisions in the department of private law may have been adapted to their purpose or not, and how much or how little of these may have been retained by the later Solonian legislation.[1] The ancients speak only of the portions relating to the laws of punishment, which they unanimously reproach with its excessive severity; for instance, even small offences, such as the removal of the produce of fields or gardens, are said to have been expiated by as severe a punishment as was imposed for sacrilege and murder, namely, by death. Apart from this, neither the constitution nor the relation of the classes to one another was altered by Draco's legislation.[2] For the institution of a board of fifty-one so-called Ephetæ, to whom was committed the duty of trying cases of bloodshed upon the Areopagus, and at the remaining places appointed by tradition for the purpose, instead of the judges, to whom this duty had formerly been committed, cannot be regarded as an alteration of the constitution; and moreover, these Ephetæ were taken exclusively from among the Eupatridæ.[3] But the hope that by this legislation the people would be appeased, and outbreaks of discontent prevented, was, as may be conceived, not fulfilled; and the disposition of the lower orders against the ruling class was not different in Athens at this time from what it was in many other Greek States, where ambitious men succeeded in turning it to account, in order to use the discontented people as an instrument wherewith to overturn the ruling nobility, and to obtain possession of the kingdom themselves. In Athens also an attempt of this kind was made by Cylon, himself a member of the Eupatrid race, and son-in-law of Theagenes the tyrant of Megara, by whom he was supported in his undertaking. He succeeded in obtaining possession of the Acropolis; but his partisans were too weak, his resources too scanty, and the means of resistance possessed by the nobility too powerful to enable him actually to seize the supreme power. On the contrary, he was compelled to capitulate; but the majority of his adherents, and according to

[1] According to Plut. *Sol.* 17 only the laws which had reference to cases of bloodshed were retained; a statement not to be taken too literally.

[2] Arist. *Pol.* ii. 9. 9.

[3] Pollux, viii. 125.

some accounts he himself as well, were, despite the capitulation, murdered by the victors, and not spared even at the altars where they sought protection.[1] Meanwhile, instead of strengthening the power of the nobility, this victory on the contrary weakened it. For the people, of whom a large portion were, to begin with, less unfavourably disposed to Cylon than to his opponents, were all the more embittered by this treacherous and impious murder of his adherents, inasmuch as they saw in it an offence against the gods, which, if not expiated, could only call down woe upon the country. To these feelings on the part of the people the nobility could offer the less resistance inasmuch as it was itself compelled to own their justice and to share them. On this account a commission of three hundred members of the nobility was appointed[2] to try the offenders. Those found guilty, and among them especially the family of the Alcmæonidæ, were banished; and in order to cleanse the city from its blood-guiltiness, Epimenides was summoned from Crete. He not only fulfilled this commission, and appointed the sacrifices and religious rites by which it was thought to appease the wrath of the gods, but besides this is stated to have prepared men's minds, by many wise counsels which received greater weight from the reverence he enjoyed as one trusted by the gods, to submit more willingly to a system of legislation like that which was soon afterwards established by Solon.[3]

But before we pass to the legislation of Solon we must mention certain statements which throw at any rate some, though a very scanty, light upon the constitution as it was about this time. First of all we hear that the board of the nine Archons, which we shall see afterwards limited to a narrower sphere of activity, still in reality stood at the head of the State as the supreme magistracy, and had the duty of managing the greater part of public affairs.[4] Accordingly we cannot doubt that it also had its place in the Eupatrid council, the existence of which body may be confidently assumed, though it is unsupported by any express testimony; and accordingly we shall be compelled to imagine the chief Archon as the president in this council. In the next place, Prytanes of the Naucrari are mentioned, and these too are spoken of as an authority whose power of action was important, and as especially active in the measures for the suppression of the conspiracy of

[1] Cf. Herodot. v. 71; Thuc. i. 126; Plut. *Sol.* c. 12.

[2] With regard to these three hundred all kinds of conjectures may be and have been made, but these, as worthless for history, must here be passed over in silence.

[3] Plutarch, *loc. cit. sup.*; Diog. Laert. i. 110.

[4] Thuc. i. 126.

Cylon.[1] The term Naucrari was applied to the presidents of the Naucrariæ, or administrative districts,[2] into which the country was then divided, there being twelve in each Phyle, and in all therefore forty-eight. Every four of these districts seem to have been in a closer connection amongst one another, and to have been called Trittyes because they made up the third part of a Phyle.[3] The name of Naucraria has reference to the duty imposed on each of these districts of equipping a ship of war, to which the richer classes had to contribute according to the amount of their property. Besides this every Naucraria sent two horsemen to the army, the whole number therefore contributing ninety-six. This service also was imposed only on the richer inhabitants. From these accordingly the presidents or Naucrari were naturally chosen; and if a statement of Hesychius[4] is to be credited, there was only one for each Naucraria. But as their Prytanes or presidents are mentioned, they must have formed a board, the sphere of whose duties may have included especially such matters as had reference to the financial and military system, and in this board we must without doubt assign a place to the nine Archons. It may be that the whole board of the Naucrari assembled only in important cases, and that the task of dealing with current business was left to the Prytanes, who, whilst the remainder partly lived outside the city upon their estates, were permanently present in Athens, and there possessed their house of assembly, the Prytaneum. From what date the Naucrariæ existed cannot be stated with certainty. It is, however, very probable that they were founded not long before the disturbance raised by Cylon, because it was at this time that the contests with Megara for the possession of the island of Salamis seem to have made the need of a small fleet of war-vessels perceptible to the Athenians. The older State council was of course in no way set aside by this new board of Naucrari, even if some of its business passed to the latter. It existed permanently as the highest deliberative authority, and exercised, besides its other functions, that of a supreme court in all serious and important cases, of which only a part, viz., that relating to crimes of bloodshed, was transferred by Draco to the Ephetæ. The place in which it held its

[1] Herod. v. 71.

[2] Pollux, viii. 108; Harpocration and Photius, *sub voc.* ναυκραρία; Schol. Aristoph. *Nub.* v. 37. A Naucraria named Kolias is mentioned by Phot. p. 196, *Pors.*, and *Lex. Seguer.* p. 275, and this, as is well known, was the name of a strip of coast and cliffs on the west coast, not far from Phaleron.

[3] Phot. p. 288; Philippi, p. 241.

[4] *Sub voc.* ναύκλαροι, ἀφ' ἑκάστης φυλῆς δώδεκα.

sittings was the Areopagus, from which it derives the name of the Areopagitic Council, although it was in this place that the Ephetæ too assembled in cases which, according to ancient institution, could be tried there only.

As magistrates of this period we find kings spoken of, and in a connection which hardly permits us to imagine the second Archon, who was likewise called king, to be intended.[1] Apparently the chiefs of the Phylæ, *φυλοβασιλεῖς*, are meant; and as certain decisions under their presidency in the Prytaneum are referred to, we might be led to the conjecture that they performed this function here in conjunction with the Prytanes, provided the Prytaneum mentioned is that belonging to the Prytanes. At least this should not appear improbable, since the Naucrariæ were subdivisions of the tribes. Besides, there existed magistrates bearing the title of *κωλακρέται*, of whom we are told that they were treasurers or cashiers, no doubt for the Naucrariæ. For that these must have had their treasuries is clear, and we also learn that from these treasuries the Colacretæ paid, amongst other things, the allowances due to the Theoriæ (or sacred embassies) sent to Delphi or elsewhere, as also that they had to meet the cost of the public messes of certain officials out of the funds of the Naucraria.[2] The extraordinary name—collectors of hams—we may explain with probability from the circumstance that they received the hams from the animals sacrificed on certain occasions, as a natural present in aid of the meals which they had to provide.

4.—The Constitution of Solon.

By the suppression of the attempt of Cylon, the rule of the nobility was indeed saved for the moment, but was not permanently confirmed. The disposition of the people, to whom one concession had already been made in the banishment of the Alcmæonidæ, soon made several others requisite. A numerous party had been formed, which demanded a complete abolition of the existing privileges of the nobility, and this party consisted especially of the poorest and most oppressed portion of the people—the inhabitants of the so-called Diacria, or the mountainous northern district, from which they were called Diacrii. Another party, which was content with

[1] Plut. *Sol.* c. 19, in the Solonian Law of Amnesty there brought forward.

[2] Schol. on Aristoph. *Aves*, v. 1548 (1541). Cf. Harpocration, *sub voc.* *ἀποδέκται*.

more moderate concessions, consisted principally of the inhabitants of the so-called Paralia, or of the coast district that stretches down as far as Sunium. The third party, and that clearly the weakest in numbers, was formed by the nobles, who, because their properties for the most part lay in the Pedion, were called Pediæi.[1] At last a compromise was effected, by a general agreement to put Solon, a man who, by reason of his approved sagacity and sentiments, enjoyed the confidence of all parties, at the head of the State, with full powers to get rid of the existing evils, and to bring about peace by a proper system of legislation.[2] Provided with this full power, Solon received the office of Archon in the year 594, twenty-seven years after the legislation of Draco. The first measure he adopted to make peace possible between the various factions was the liberation of the lower classes from the yoke under which they had hitherto suffered. For this purpose the only measure available was one of a thorough and forcible character. It was necessary to absolve the debtors from the engagements which had caused their property and even their persons to pass to the creditors; and for this reason Solon declared all such previous contracts of debt null and void. At least this is the most probable view of the so-called Seisachtheia, although others have understood it otherwise.[3] He himself, however, boasts, in fragments of his poems which are still extant, of having removed from the mortgaged plots of land the pillars that served to show that they were thus pledged, and of having insured a return to their fatherland for many who had either fled to foreign countries to escape serfage, or had actually been sold by their creditors.

---

[1] Plut. *Sol.* c. 13.

[2] According to Plut. *Sol.* c. 16 he did not receive this full power till afterwards, probably after the expiration of his year of service as Archon. Cf. c. 19 *sub init.* Duncker (iv. 178) is of the same opinion.

[3] Plut. *loc. cit.* c. 15; Heraclid. Pont. c. 1; Dionys. *A. R. V.* 65; Diog. Laert. i. 54; Dio Chrysost. *Or.* 31, 69; cf. Hüllmann, *Gr. Denkwürdigk.* p. 12 *seg.*; Curtius, *Hist. of Greece*, i. p. 330, Eng. tr. The fact that in the Heliastic oath, introduced in Demosth. *in Timocr.* § 49—in the genuineness of which no one now believes—there is an express stipulation not to favour remission of debts (χρεῶν ἀποκοπάς), I cannot (with Wachsmuth, *Alterth.* i. p. 412) regard as a reason for refusing to ascribe this measure to Solon. The alteration of the standard of the coin, according to which 100 new drachmas = 72½ old drachmas, certainly also favoured the debtors by cutting down their debts more than 27 per cent.; but to confine the Seisachtheia to this seems inadmissible. The story told by Plutarch, *Solon*, c. 15, of some friends of Solon may be true, even if it was not quite as Plutarch relates. They possessed the property bought with borrowed money, not quite without having anything to pay, but gave their creditors less by the amount of the difference between the new and the old money.

This latter class he clearly enabled to return by securing to their relatives, through the remission of debts, the means of redeeming them.[1] In order, however, to render the recurrence of similar circumstances impossible, he provided that for the future the person of the debtor should cease to be pledged. He also secured an amnesty for all those who had been condemned by the tribunals to the payment of pecuniary penalties to the State, or to loss of their rights as citizens, with the exception only of murderers, and of participants in the attempts to set up a tyranny; but this amnesty was granted not at the same time as the Seisachtheia, but at a somewhat later date.[2] Next Solon proceeded to the transformation of the constitution. This proceeding was intended to set aside the exclusive privilege of the nobles which had hitherto existed, and to secure participation in the civic rights to those not of noble birth; though this participation was not to be granted indiscriminately, but in an ascending scale, measured according to the amount of property possessed. For this purpose he instituted four property classes. The first included those who received from their landed property at least five hundred medimni[3] of wheat or measures (metretæ) of wine or oil; this class was therefore called Pentacosiomedimni. The qualification of the second class was at least three hundred, that of the third a hundred and fifty medimni or measures. The former were called Hippeis or horsemen, because their property obliged them to serve as cavalry, the latter Zeugitæ, because they required for the management of their land a yoke of draught animals (mules). The fourth class, which, from the majority of those contained in it, was called the class of the

[1] Quoted in Plut. *loc. cit.* and *Aristid.* ii. p. 536, Dindorf.

[2] According to the account of Plutarch, which is also recommended by its intrinsic probability, the Seisachtheia was Solon's first measure, while the law of amnesty was not introduced until the same time as the laws affecting the constitution, and stood on the thirteenth ἄξων. This name was applied to the wooden tablets on which the laws were written. The explanation of it is that they were three-sided or four-sided prisms that were fastened on a cylinder and could be turned round it, so that one or other of them could be brought into view at pleasure. They hung in strong wooden frames, and until Pericles's time were placed on the Acropolis; then they were taken to the ἀγορά and set up near the senate-house. Another name for them is κύρβεις. The question whether both names denoted the same tablets, or one the former and the other the latter, is too unimportant to enter upon at present.

[3] The medimnus contains somewhat less than a Berlin scheffel, nearly 15·025333 metzen; the metretes somewhat over 33 Berlin quarts, or about 33·806933 metzen. With regard to the assessments for the different classes see Böckh, *Pub. Ec. of Athens*, p. 505, Eng. tr., and with regard to the doubts raised regarding his statements by Grote, see Schömann, *Const. Hist. of Athens*, pp. 23, 24, Bosanquet's tr.

Thetes or labourers for hire, contained the whole mass of those possessed of less property. It is clear, however, that as the three upper classes were determined solely according to the amount of their landed property, all those who did not possess such property belonged of necessity to the fourth class, even though they were in no way poor as regarded other kinds of property. The number of such persons at that period was no doubt small; the wealthier classes were as a rule also land-owners; but individuals here and there among them may have possessed capital besides their land, and may have obtained money by commerce in addition to the income arising from his estate. Thus it is stated that Solon himself bettered his position in respect of property by commercial operations.[1] The fact that in the institution of classes nothing but landed property was taken as the standard clearly resulted from the conviction of the legislator that this alone was the surest basis of a good civic system, and from the intention to which this conviction gave rise, that as many citizens as possible should hold fast to that description of property, on which alone their rank, as endowed with a greater or less degree of civic power and privilege, depended. And the value he attached to the maintenance of a numerous class of landholders he showed by the law appointing a specific limit to the amount of landed property in the hands of any one individual,[2] a law which aimed at insuring that the land should not fall into the hands of a few rich men, and thus the number of the moderately large or of the small proprietors suffer diminution. But it was only the rights of citizenship and the obligation to military service that were arranged in a scale corresponding to the property classes, and not the taxation imposed: a circumstance that should not be left out of consideration, if it is desired to form a just estimation of the Constitution of Solon. A *regular* taxation of property or income according to the classes neither existed at this time nor, as we shall afterwards see, at a subsequent period. Any public contributions, however, which it may have been necessary at this time to defray out of the property held,—for instance, the rates in the Naucrariæ, were certainly apportioned, not according to the classes, but according to another mode, of which we have no information whatever. When, in later times, a mode of taxation according to classes was actually introduced, it was no longer merely the landed property, but also the other kinds of property held that were kept in view in the division of the classes, although

[1] Plut. *Sol.* c. 2.

[2] Arist. *Pol.* ii. 4. 1.

the appellations of the classes, which have reference only to the former kind of property, were retained for a longer period. As regards the rights and obligations of the different classes, the legislation of Solon granted eligibility to public office only to the three upper classes, while eligibility to the highest magistracies, as, for instance, to the office of archon, was granted only to the first class. The cavalry, moreover, was raised from the two upper classes alone. The third was under an obligation to serve as hoplites, although, as need hardly be remarked, the two upper classes also were not excluded from such service. The fourth class, that of the Thetes, was completely excluded from office, though it possessed the right to join in the voting in the general assemblies of the people, where either the authorities were chosen or other decisions arrived at affecting the commonwealth; as also the right to be summoned to take part in the great jury trials whenever they occurred. On the other hand, the Thetes were exempted from military service as hoplites; they could be called upon only as light-armed troops or to man the fleet, and in this case were probably paid by the State. The rest served without payment, and similarly those who held the offices of government were all unpaid.

As the highest deliberative authority Solon instituted a Board of Deliberation—*βουλή*—of four hundred members, a hundred out of each of the four Phylæ. They were appointed from the three higher classes probably by actual election, and not as in later times, by lot, and were changed annually. The Board of Naucrari, previously mentioned, now disappeared, and its business passed to this Council of Four Hundred, in which, as there can be no doubt, the nine archons also still possessed seats. The Council was the authority on whom fell the duty of preparation for the proceedings of the popular assembly, before which body nothing could be brought except through a decree of the Council. The decision as to when the people was to be consulted, and when not, certainly continued to be left for the most part to the unaided judgment of the Council. Only some few subjects were reserved by law for the popular assembly exclusively: subjects not included in this number came before them only as an exception, and in consequence of special circumstances; and as a rule were disposed of by the Council on its own authority. The administration of justice was now intrusted to the different functionaries of government, principally to the nine archons, of whom each one administered some particular department, and either referred the matters brought before him to an arbitrator, or decided upon them on his own authority. But in both cases the defeated

party was allowed to appeal to a higher tribunal, which it was necessary should consist of a greater number of jurors. Those summoned to take part in this jury trial were annually taken from amongst the whole people, whether by election or by lot we must leave undiscussed. The collective body—the number of which in this period we do not know—was called Heliæa, which was also the name of one of the places, and that the largest, in which the sittings were held. Besides, there were also local judges, who dispensed law in minor cases in the separate districts. In civil matters the Heliæa hardly acted except as a court of appeal, though in criminal matters it certainly often acted as the immediate and sole tribunal. Only for the so-called "court of blood-guiltiness" in the narrowest sense did the Board of Ephetæ continue to exist, though not precisely in the form ordained by Draco. For a part of this power, and that precisely the most important part, was withdrawn by Solon from this body and transferred to the Council of Areopagus as newly organised by him, a body which consisted of an undefined number of members, who held their places for life, and supplied their members from those outgoing archons of each year who had held their office without blame. This Areopagitic Council was instituted by Solon as a supreme supervisory authority, whose duty it was at once to watch over the collective administration, the behaviour of the magistrates in office, the proceedings of the popular assembly, and, in cases where it was required, to interpose; while at the same time it was bound to deal with the public discipline and the regulation of conduct in the most general sense of those terms, and in consequence possessed the right of bringing private individuals to give an account of objectionable behaviour on their part.

These are the main features of the Solonian constitution. Hereafter, so far as is practicable, we shall have to expound this constitution further in detail, and to show the development and transformation it underwent in the course of time. Solon himself boasts that he gave the people as much share in the government as was desirable, and that he had neither kept them back from the dignity proper to them, nor secured them an excess of that dignity, whilst on the other hand he had not imposed any improper burden, nor made any unbefitting concession to the wealthier and superior classes, but had effected a just equipoise of both.[1] And in my opinion he is justified in making this boast. He calls indeed that which he has insured to the people, δήμου κράτος; but from what we call democracy,

[1] Plut. *Sol.* c. 18.

and also from what the Greeks called by the same name, this was sufficiently far removed. The power of the general assembly of the people was limited by the Council, to whom belonged the right of summoning and presiding over them, and by the right of supervision possessed by the Areopagus, in such a manner that the danger of a dominion of the masses was not to be apprehended. The right of choosing the magistrates whom it was to obey, might, without mistrust, be transferred to the people, since it had itself the greatest interest in choosing well, and also because it was allowed to elect, not from the mass without distinction, but only from the more well to do, and therefore more cultivated classes: and finally, because a corrective of bad elections was given in the Dokimasia or testing of the candidates elected, which we shall deal with in detail hereafter. As little doubtful might seem the expediency of granting the people the right of passing judgment as jurymen upon offences committed either by officials or private persons, if in the first place the jurymen were designated, not by the accident of the lot, but, as is more probable, by election, and, moreover, only from men of mature age, over thirty years at the least, who were also reminded by a solemn oath of the duty of conscientiously trying the case. To this it must be added that as the jurymen were not remunerated for their trouble, the multitude were glad to see this function raised above their reach, and that accordingly, as a rule, only persons of the more cultivated class served as jurymen. The arrangement of the classes itself, however, whilst it withdrew from the formerly dominant nobility the exclusive right which it had hitherto possessed,[1] still left it a principal share in the political power. For it is certain that the possessors of larger properties, which reached the standard of the first or second class, were all, or nearly all, included among the Eupatridæ, whilst the possessors of property who did not belong to the nobility for the most part belonged only to the third class. But as political rights were attached no longer to birth, but to property, the way was thereby opened to every man, if he succeeded in raising himself to the class of the richer proprietors, to set himself on an equality in point of law with the nobles, while on the contrary, the man of noble birth, if he

[1] From the words of Demetrius, quoted by Plut. *Aristid.* c. i., that until Aristides the Archons were taken only ἐκ τῶν γενῶν τῶν τὰ μέγιστα τιμήματα κεκτημένων, Niebuhr, *Hist. of Rome*, i. p. 441, Eng. tr., has concluded that only the Eupatridæ could reach the office of Archon; and so has made the supposition—totally incapable of proof—that in Athens also the Gentes contained only the nobility.

became poor, fell behind his richer neighbour who was not noble; accordingly the worst evil, that of a poor and yet privileged nobility, was avoided. Solon's constitution was accordingly as little an oligarchy as a democracy, and the only name appropriate to it is Timocracy. It was too a Timocracy of such a kind that it seemed at first capable at least of approximating to the ideal of an aristocracy. For the property qualification to which Solon attached the privileges of citizenship was just high enough to exclude the masses, which of necessity are, for the most part, rude and uncultivated, but was not high enough to exclude the respectable class, composed of those possessed of a moderate amount of property. The possibility of working a way upwards to the higher classes was not cut off from any one, and every man had a career opened to him by which, if he gained the respect and confidence of his fellow-citizens, he could reach the highest honours. A constitution that insured this to the citizens must of necessity have the effect of awakening emulation, and of heightening the impulse to step forward into the service of the commonwealth; and any one who withdrew himself from that service and followed solely his private interests, might indeed pass as a good man, but could make no claim to the honour of being also accounted a true citizen. And how greatly Solon disapproved of such an egoistic withdrawal from participation in public affairs is clear from his law that the man who, in civil conflicts, especially when the factions were in arms against each other, persisted in remaining neutral, should be deprived of his dignities and privileges as a citizen.[1] Apart from this Solon imposed no cramping fetters upon the individual freedom of the citizens, and the cultivation and development of their powers in all directions. Only such cases of misconduct as caused a public scandal were subjected to the censure and punishment of the Areopagus; otherwise any one might perform any action or pursue any aim to which he felt himself called or inclined. Even the minor branches of industry and trade were not regarded as dishonourable, much less forbidden to the citizens, and the highest and freest developments of artistic and scientific effort were not met with narrow-minded suspicion, but found in Athens the most lively recognition and sympathy. It was in continual and progressive culture that Solon's own life consisted, as he indeed expressed it himself;[2] and his people too, he knew, must and would progress. Hence also he perceived that

[1] Plut. *Solon*, c. 20, and Gellius, ii. 12, where the provision is more fully stated on the authority of Aristotle.

[2] Γηράσκω δ' αἰεὶ πολλὰ διδασκόμενος. —Plut. *Sol.* c. 31.

his laws, in the form he had given them, would not answer for all time to the requirements of the people or to their state of culture; and he took care, in anticipation, that the necessary alterations should be possible in a regular way, though he also made provision for protection against premature and unsuitable innovations by the institution of the Nomothesia, which we shall have to describe hereafter. The Spartan laws were calculated to keep the State fast bound for ever in the form that appeared the best to the lawgiver; and this form was narrow, unjust, and based upon force and oppression. A man might be an excellent citizen of Sparta, and yet far removed from the true excellence of humanity; in Athens the union of human and civic excellence was possible in a higher degree than in any other Greek State; and that it was so was due to the legislation of Solon.

5.—The Development of the Democracy.

That the constitution of Solon was unable to exhibit its full effect immediately after its creation needs no demonstration.[1] The extreme parties were not satisfied in their claims; they had demanded more than Solon had secured them; the struggles again broke out, and afforded opportunity to a clever and daring party leader, Pisistratus, actually to possess himself of the Tyrannis, which in earlier times Cylon had striven after without success. After he had several times lost and won back this power, he was enabled, not only to maintain himself in it to his death, but also to bequeath it to his sons,—occurrences which this is not the place to recount in detail. Apart from this, the forms of the Solonian constitution were retained intact by Pisistratus and his sons, so far as this was compatible with their rule. To this extent then it may be said that the Tyrannis was more favourable to the persistence of that constitution than if the party struggles had continued, and first one, then the other, had won the upper hand. But when, after the fall of the Pisistratidæ, the struggles broke out afresh, and the nobility, under the leadership of Isagoras, for a time won the victory, the people in reality ran the risk of losing the freedom of which Solon had thought them capable, had not Clisthenes succeeded in conquering this faction of the nobility. But in order to secure the result of the victory, to

[1] Nothing can be more unfair than the judgment of Hegel, *Gesch. d. Phil.* i. p. 181: "A constitution that made it possible for Pisistratus at once to set himself up as tyrant, which had so little strength, so little organic vigour, as to be unable to resist its own overthrow, shows that it possessed some intrinsic defect."

withdraw from the nobility the means through which it was still powerful, and, on the other side, to strengthen the people, he devised various arrangements by which the constitution of Solon was essentially modified, and received a somewhat more democratic character. In the first place, he increased the number of the people, by conferring the citizenship upon many non-citizens, or Metœci settled in Attica,—a class including the manumitted slaves.[1] Next, the division of the people into four Phylæ, though not, indeed, properly speaking, abolished by him,[2] yet was deprived of its earlier importance by his introduction of a new division of the people into ten sections, based on entirely different foundations. These divisions were likewise called Phylæ, and each of them was again divided into five Naucrariæ and into twice as many smaller administrative districts, which received an old name, used in a new sense—Demes. The particulars of this division must be reserved for a later section; for the present it is sufficient to remark that this innovation, while occasioned partly by the fact that an enrolment of the many newly-admitted citizens into the old divisions did not seem practicable, was also certainly based on an intention that by the new organisation of the administration connected with this new division, the nobility should be deprived of the influence it had previously exercised in the country districts,—an influence that had had a support in traditional feelings of dependence and subordination; while the people were to learn a greater independence and freedom of action. In close connection with this increase of the tribes was the increase of the council from four hundred to five hundred, fifty from each Phyle, and perhaps also an increase in the number of the Heliastæ, who were taken in a like proportion from the Phylæ, though as yet hardly in such great numbers as at a later period, when there were not less than six thousand of them. The magisterial and official system also may have undergone some alterations in consequence of the increased number of the Phylæ, since we hear of many boards of ten persons corresponding to the Phylæ, although, it must be admitted, we cannot discover with certainty which of these boards were instituted now, and which only in later times. Of great importance is another measure, which we must ascribe to Clisthenes, by which several offices of importance, especially the board of the nine archons, were appointed, not as hitherto by popular elec-

[1] Arist. *Pol.* iii. 1. 10.

[2] Even in later times the four Phylobasileis still existed. — Meier, *Att. Proc.* p. 116, and *de gent. Att.* p. 7, note 22.

tion, but by the lot. Many indeed have found it utterly incredible[1] that such a mode of filling up offices, which seems to them adapted only to the most absolute democracy, can have been introduced so early as the reforms of Clisthenes. We have, however, already remarked[2] that the institution of the lot must not always be regarded as a proof of democratic absence of restraint, but that it was adopted as a means of avoiding the intrigues or party contests which occur only too easily at popular elections. And precisely at this time, when Clisthenes introduced the lot, Athens had been thrown into commotion by the most violent party contests; and it might well seem dangerous to give new nourishment to these by canvassing for votes in the popular assembly. In the next place, however, it is not to be forgotten that the appointment by lot was made, not from a number of candidates coming forward from all classes indiscriminately, but only from citizens of the three upper classes, and to the post of Archon only from those of the first class; and therefore only men of property and education were admitted as candidates. Indeed, we might on this account be tempted to regard the arrangement of Clisthenes as even anti-democratic, inasmuch as under it not only was the office confined to a privileged class, but the people was even deprived of electing to it only those men who enjoyed its confidence; while instead it was allowed to depend on the accident of the lot whether persons whom the people would never have chosen should reach the magistracy or not. But it is certain that, in the eyes of Clisthenes, this was the lesser evil, and was more than counterbalanced by the removal of all party disturbances, which at this time were to be feared above everything else. No doubt there were also means to exclude candidates not adapted for the post, in the same way as means demonstrably existed for setting aside such persons if the lot had been favourable to them. In later times indeed, when it was open to every man among the people to become a candidate, persons of very subordinate station often found their way into the board of Archons; but in the times immediately subsequent to Clisthenes we find among them the most eminent men,—a Themistocles, an Aristides, a Xanthippus. This circumstance is in no way a proof that at this time popular election existed, and not appointment by lot, but only that the men of the highest dignity[3] did not disdain to subject themselves to the

[1] *E.g.* Grote, whose specious reasons I believe myself to have refuted in my *Const. Hist. of Athens* (p. 73, Eng. tr.).

[2] See pages 178-9 and 146.

[3] As was the opinion of Niebuhr (*Lectures on Ancient History*, ii. 24, Eng. tr). As regards Aristides especially, Plutarch (*Arist.* c. 1) is inclined

lot,—a practice which they abandoned in later times, when the office had become accessible to every one indiscriminately. It may also be unhesitatingly assumed that this office became more and more limited in its functions precisely because every man was enabled to reach it; while, on the contrary, in earlier times the Archons stood at the head of the government, and the conduct of the most important affairs was intrusted to them.[1] Finally, we must also mention ostracism, the introduction of which into Athens likewise belongs to the measures of Clisthenes; but on its nature and importance we need only refer to what has previously been said on the subject.[2]

Not long after these reforms of Clisthenes the Persian war broke out, and in it the Athenian people brilliantly demonstrated what excellence of character it possessed, what courage for noble resolutions, and what capacity for manly deeds. The victory at Marathon, which Athens won almost alone,—for only a thousand Platæans fought by the side of nine or ten thousand Athenians,—and the victory at Salamis, to which she forced the rest of the Greeks almost against their will, freed Greece from the danger of falling under the vassalage of Oriental barbarism and despotism, and acquired for the Athenians the justest claim to the glory ascribed to them by Pindar, of being the pillar on which Hellas was supported. And this glory belonged not only to the undaunted courage and the skilful resolutions of the leaders, it belonged also to the people, which was capable of sharing that courage and carrying out those resolutions; and among the people, not only to those in the higher ranks and possessed of property, but in a like measure to the citizens of the lower and poorer classes. On this account Aristides, the statesman named by his fellow-citizens "the Just," *par excellence*, held it just that henceforward those barriers should be removed which excluded the poorer citizen from the offices of government.[3] This opinion he held

---

to assume that he was elected exceptionally, without a lot being cast; from which it is at least clear that Plutarch at least had no doubt that the lot was the rule. As regards the authority of Isocrates I have said what was necessary in the *Constitutional History of Athens* (p. 79, Bosanquet's tr.). With those who, nevertheless, attach much weight to it, it is impossible to dispute. Cf. also Curtius, *Hist. of Greece*, i. 478, Ward's tr.

[1] See *ante*, p. 325.

[2] See *ante*, p. 182.

[3] Plutarch, *Aristides*, c. 22, γράφει ψήφισμα, κοινὴν εἶναι τὴν πολιτείαν καὶ τοὺς ἄρχοντας ἐξ Ἀθηναίων πάντων αἱρεῖσθαι. As regards the expression αἱρεῖσθαι, which is wrongly used by Grote as evidence for his opinion, I refer, besides what is said in the *Constitutional History of Athens* (p. 79, Eng. tr.), to Isocr. *Areopag.* § 38; Plut. *Demetr.* c. 46; Pausan. i. 15. 4, where likewise αἱρεῖσθαι is used in a general

not in the belief that all without distinction had the requisite vocation or qualifications for the post, but because he thought that the men of real excellence, of whom there were some even in the lowest class, must feel it as an injurious slight to be excluded merely on the ground that they did not possess the property qualification of the higher classes. Besides this, we must recollect that the citizens of the fourth class by no means all belonged to the poor. There were among them persons in better circumstances, who however did not possess so much landed property as the qualification of the three upper classes demanded. And it was precisely this kind of prosperity that had become important in Attica since the time of Solon: trade and commerce had been increasingly undertaken and had rapidly developed, and had acquired an equal importance with agriculture. Besides this, the war, since Attica was repeatedly devastated by the Persian hordes, had been especially ruinous to the owners of land.[1] Many among them were impoverished and not in a position to rebuild the burnt homesteads, or to set in order once more their ravaged estates. These were thenceforward compelled to part with a possession of which they were unable any longer to make use. Such persons necessarily entered the fourth class: but to have added to the undeserved loss of their property the diminution of their political rights as well, would have amounted to the infliction of a punishment upon them in return for the sacrifice they had offered to their fatherland. These, without doubt, were the reasons that guided Aristides in proposing his law: and we must consequently admit it to have been just, and not blame it as a democratic measure. Moreover, the danger that the offices of government would now principally fall to the poorer citizens scarcely needed, at that period, to be provided against. The poorer citizens certainly preferred pursuing their own callings, on which their support depended, to burdening themselves with the business of offices for which they received no payment. The actual effect of Aristides' law was solely the removal of the earlier one-sided preference of the landed proprietors, and the admission to office of the trading classes, and of capitalists without landed property.[2] It by no means necessarily

sense, not in the narrower, as opposed to election by lot. Besides, as we shall see shortly, certain offices remained for a long time open to the Pentakosiomedimni only.

[1] Plutarch, *Aristides*, c. 13.

[2] That there were not only poor men, but also prosperous people, who were not landowners, is not in itself doubtful, and may be supported from Aristoph. *Eccles.* 632, Invern. But we see from Dionys. Halic. *de Lys.* c. 32, that in the time immediately subsequent to the Peloponnesian war, only about the fourth part of the citizens were without landed property.

effected a total revolution in the political system as hitherto existing, or called into life an unlimited democracy. Far more democratic, however, were the measures which proceeded from other statesmen after the death of Aristides, and which aimed at filling up the Council, the Assembly, and the law-courts, in a greater degree than before with persons of even the lowest class. So long as no payment was given for service in the council or in the courts, or for attendance at the assemblies, the poorer classes, for the most part, were glad to keep away,[1] but when a compensation, even though only a very small one, began to be given for the time and pains there expended, they withdrew themselves less from those services. The introduction of these compensations or payments, as the Athenians termed them, falls in the time of Pericles' administration, and was brought about partly by himself, partly at least in harmony with his policy, which sought above all things to strengthen the democratic element in the State, not indeed as an end, but as a means. From the time of the Persian wars, Athens had been in truth the first State in Greece, and stood at the head of a numerous body of allies, a body greater in extent and power than that of which the Spartans were the leaders. To maintain itself in this position, to combat the disaffected members, and hold fast those who were disinclined to remain, it was necessary that Athens should exert all her strength, and not shrink from the contest. But it was precisely amongst the richer classes that readiness to such exertions and contests was least to be found: they desired quiet and peace, and at this price they were even inclined to many concessions to the adversaries, whilst the poorer classes, on the contrary, fell in much more easily with the views of Pericles in favour of the maintenance and extension of the power of the State, since they had everything to gain and nothing to lose in the process. Hence it was of importance to Pericles to bring a greater number of them into the assemblies, on which depended the decision upon public measures, and this was the ground on which the payments were introduced. These, moreover, were at first only very moderate; for the attendance at the popular assemblies, and the service in the courts, not more than an obol was given, until later demagogues, after the time of Pericles, raised it to three times the amount.[2] Besides, as long as Pericles stood at the

[1] Aristoph. *Eccles.* 183.

[2] See Böckh, *Pub. Ec. of Athens*, pp. 228, 232. Even if the pay of the Ecclesiasts was introduced on the motion of Callistratus, this certainly happened in pursuance of an understanding with Pericles. Cf. Schäfer, *Demosth. u. seine Zeit*, i. p. 10. All that can be said in justification of the payment of jurymen will be found in

head of the State, he bent the people according to his will;[1] and it is equally honourable to him that he understood how to lead it, and to the people that they allowed themselves to be led by him. Even the distributions that he introduced in addition to these payments, the so-called Theorica, on account of which he has been so much blamed, do not in my opinion deserve such unconditional condemnation. The Athenians at the time of Pericles might to some extent be compared to a standing army, since they were obliged to be always armed and ready to fight, if fighting was required to defend their federation, whether against the Persians or against other adversaries. The allies gave money and also sent men: but the main burden, the largest share in the actual war, invariably fell upon the Athenians. Was it then so unfair that they should not only receive pay for this, when they really were carrying on war, but that, in time of peace also, they should obtain some advantage beyond the allies from the money which no doubt was properly destined only for purposes of war? And how little was this, after all, in comparison with the sums that the maintenance of the standing army in time of peace costs at the present time! Besides this, however, the intention of the introduction of the Theorica may have been to make the poor less dependent on the influence which the rich, as in the case of Cimon, found means to secure for themselves by their liberal expenditure.[2] Finally, we will not leave unnoticed the fact that at least a part of this money returned into the State treasury, inasmuch as the lessee of the theatre, to whom the spectators paid the entrance-money, had in his turn to pay rent to the State.[3]

Another democratic measure of this time, which proceeded not indeed from Pericles himself, but from a statesman of the same tendency, Ephialtes, was the diminution of the power of the Areopagus, from which was withdrawn the right of supervision which it had formerly possessed over the whole administration of the State, only the right of trying cases of blood-guiltiness[4] being left to it. But in fact we know too little with regard to this right of supervision, and especially of the means the Areopagus had at command towards really exercising it, to be able to pass an entirely safe judgment upon its abolition. It may, however,

---

Curtius' *Hist. of Greece*, ii. p. 444, Eng. tr.

[1] Thuc., ii. 65, says of his administration, *ἐγίγνετο λόγῳ μὲν δημοκρατία, ἔργῳ δὲ ὑπὸ τοῦ πρώτου ἀνδρὸς ἀρχή.*

[2] This is the opinion also of Plutarch, *Pericl.* c. 9; cf. Cimon, c. 10.

[3] Böckh, *Pub. Ec. of Athens*, p. 219.

[4] Philochorus, *Lex. Rhet.*, in the App. to Photius, p. 674, Pors. p. xxv. *seq.* Meier, or in C. Müller, *Frag. Histor.* i. p. 407.

be assumed with certainty that the Areopagus adhered for the most part to that party which was conservative and fond of rest, and sought often enough to override the views of Pericles and his friends, and that this was the reason for weakening it. In its stead a new authority was instituted for the supervision and control of the Council, the popular assembly and the magistrates, a board of seven Nomophylaces or guardians of the laws. As regards the activity of this board, however, history is silent. But it is undeniable that by the putting aside of the Areopagus as a supervising authority, an aristocratic check upon the public discipline of the people was dispensed with, which might well be regarded as salutary and necessary, and of which the abolition, therefore, might be lamented, as it is for instance by Æschylus in the *Eumenides*.

6.—Decline and Fall.

The democracy, thus released from its bonds, was for a time able to remain sound and to be of service to the commonwealth; but that it should do so permanently was impossible. The mere circumstance that since the Persian wars Athens had become almost exclusively a maritime State, that its power in war consisted in its fleet, that maritime pursuit and commerce, and the callings connected with them, were a principal source of the maintenance of the inhabitants, brought with it the risk of a rapid decline.[1] For it filled the State with a numerous population of a lower class, who invariably formed the overwhelming majority in the general assemblies, and with whom the decision concerning the most important matters rested, since the voting was conducted, not by classes, but by mere counting of heads. Pericles, by the extent of his personal influence, had found means to sway even this mob according to his will, but when he was dead none of the statesmen who succeeded him could take his place. Those who were now called Demagogues were not so much leaders of the people as ambitious men who contended as rivals for its favour, and who, in this rivalry, outbid each other in proposing democratic measures. To these measures belonged the multiplication of the Theoric distributions introduced by Pericles, the raising of the fee for attendance in the popular assemblies and at sittings of the courts, the sycophantic harassing of the rich, whom it was the custom to bring into suspicion with the sovereign

[1] Cf. Ar. *Pol.* v. 2. 12.

people, and to secure their condemnation, in order that by confiscations of property or large fines the State treasury might be enriched, and thus the means for distributions and fees might be increased.[1] In this manner there arose in Athens, as in all other States in which the democracy acquired the preponderance, a bitter feud between those disposed towards an oligarchy and those who favoured a democracy: on the former side were the minority, consisting of the wealthy and educated citizens, who disliked to see themselves subjected to the rule of the multitude: on the other side the inferior classes of the people, which naturally consisted for the most part of rude and uneducated men, and often gave its confidence to persons without merit and worth. Yet the Athenians gave brilliant proof in the Peloponnesian war that they were not yet exhausted, that they were still capable of strong resolves and heroic exertions: and just as Aristophanes in the *Knights* makes his Demos, who has fallen into his second childhood and been put into leading-strings by the Paphlagonian slave, at last grow young again and recover the excellence of the good old time of Marathon, so in reality many a man might flatter himself with the hope that if only the unchecked democracy and the disorder of the demagogues were set aside, Athens would again become what she had been in earlier times. In the last half of the Peloponnesian war, when the reverse suffered in Sicily and the secession of many allies put the State in the greatest danger, and it became necessary to call for the most intense exertion of all its available strength in order to save what was still to be saved, the contributions of the people to the war appear to us truly astonishing. But its political behaviour also deserves some recognition. It gave ear to the counsels of those who declared that it was necessary to undertake a transformation of the over-democratic constitution that had hitherto existed into a more oligarchic or aristocratic system of government: and even granting that the largest share in this transformation was due to the expectation that it was under this condition alone that the aid of the Persians was to be obtained, that aid which it was predicted afforded the sole hope of salvation, and to the belief that the change in the constitution would not be enduring, and granting also that the carrying out of this change was essentially facilitated by the measures of the

[1] Cf. *e.g.* Lys. *in Epicrat.* § 1, and *in Nicom.* § 22; Aristoph. *Equit.* 370; Isocr. *de Pace*, § 130. The raising of the judges' fees to three obols is probably the work of Cleon. See Böckh, *Pub. Ec. of Athens*, p. 230, note.

oligarchical party, measures skilfully prepared beforehand and calculated to produce a panic amongst the multitude, yet we shall still be forced to concede that some share in it at least is to be ascribed to the sound sense of the people, and that without this such an alteration could hardly have been carried out so easily, and with such an absence of violent commotions.[1] It was however only a part of the people which permitted itself to be satisfied with this transformation. Another part, and that precisely the best armed and most powerful—the army which was then at Samos—held fast to the democracy, and did not trust to the promises of the oligarchs. It soon became clear, moreover, that these latter were neither able nor inclined to fulfil what they had promised. They had appeased the people with the assurance that their participation in the power of the State had by no means been entirely withdrawn from them, but that popular assemblies should be summoned from a body of five thousand of the wealthier classes, who possessed sufficient property to equip themselves as hoplites; but this did not in fact take place; on the contrary, a council of four hundred members appointed by them decided upon all matters independently and alone. They had held before the people the prospect of a swift and equitable peace with their enemies, but they were unable to attain it, and now showed themselves ready to come to terms even on shameful conditions, nay, even to submit to the enemy if they could but retain dominion over their fellow-citizens. In this, however, many even of these who at first had aided the revolution and become members of the government were not in accord with them, and the remainder of the people rose in revolt, resolved not to endure such an oligarchy any longer. Accordingly, after a duration of about four months, it was overthrown even more easily than it had been set up. But the earlier democracy was not at once restored; on the contrary, a constitution was resolved upon similar to that which the oligarchs had promised, but not given. Its principal features were: that henceforth an assembly of five thousand of the wealthier citizens was to have the power which, in the democracy, had belonged to the general assembly of all citizens without distinction, and that no kind of payment should be made either for the popular assembly, or for the council or the law-courts, a provision which was even confirmed with a solemn oath. Besides this, many other excellent provisions were devised, with regard to which, however, we have no more particular information

[1] Isocr. *de Pace*, § 108, says Αὐτὸς ὁ δῆμος ἐπεθύμησε τῆς ὀλιγαρχίας.

from Thucydides, by whom alone these proceedings are related. He contents himself with the general statement that Athens was enabled for the first time for a long period to rejoice in a well-ordered and salutary constitution.[1] It cannot be decided with complete certainty how long this constitution maintained itself. It was introduced immediately after the overthrow of the four hundred in the summer of the year 411, and seems to have been observed, at least in its essential outline, at latest until the victorious return of Alcibiades in the year 407, but then to have completely given place to the former democracy. After the unfortunate battle at Ægospotami, however, the oligarchical party again won the upper hand, and when Athens itself was taken by Lysander, a board of thirty of its citizens was instituted, charged to effect a complete transformation in the whole constitution and system of legislation, and, until that transformation was effected, to serve as the highest authority of the government. These thirty, supported by the power of the Lacedæmonians, from whom they also received a body of troops for the occupation of the city,[2] appointed the council and officials at their own pleasure, got rid of all who were objects of suspicion to their faction, disarmed the people, except three thousand whom they knew to be attached to themselves, and who alone were permitted to be stationed in the city,[3] and practised against the rest, unsparingly and without limit, every kind of violence, by means of executions, confiscations, and banishments. This flagitious government lasted eight months. At the end of that period a body of fugitives and exiles succeeded in overthrowing it, and, aided by the favour of the Spartan king Pausanias, in winning back for the State the freedom of governing itself according to its own laws. The measure, equally prudent and magnanimous, of a general amnesty for all, with the sole exception of the Thirty and some few others, served rapidly to restore concord; the old laws were revised and again put in force, with such modifications as seemed desirable. In this way the Athenians recovered the democracy they loved, and the whole body of citizens was pledged by a solemn oath to its maintenance; every one who attempted to overturn it, or took part in such an attempt, was declared an outlaw, as an enemy of his country, and to put him to death was declared not merely not to deserve punishment, but to be the duty of a good citizen.[4] The

[1] Thuc. viii. 97.
[2] Xen. *Hell.* ii. 3. 14, 15.
[3] *Ib.* ii. 4. 1.
[4] Cf. Andoc. *de Myst.* § 96; Lycurg. *in Leocr.* § 125.

motion of Phormisius to make citizenship dependent on landed property, though only on a small amount, was rejected as an attempt in the direction of oligarchy, though it essentially corresponded to the spirit of Solon's constitution, and though at this time not more than about five thousand, and therefore at most a fourth or fifth of the Demos, would be affected by it.[1] An attempt to guard in some measure against the misuse of the democracy must be found in the circumstance that the Areopagus now received back the position of a supervising authority, which had been given to it by Solon, but withdrawn by Ephialtes,[2] and no doubt to counterbalance this the authority of the Nomophylaces, instituted in its stead, was abolished;[3] but that the Areopagus was in fact able to maintain itself in its recovered position as a powerful check against democratic excesses we have at least no examples to prove, nor does it appear probable. The people was no longer disposed to suffer itself to be hindered by any aristocratic barrier whatever in the full enjoyment of its freedom. The multitude, increased by numerous grants of citizenship,[4] did what it chose or what it was instigated to do by the demagogues who had contrived to win its confidence, and who, as a rule, had rather misused it for the satisfaction of their own ambition or their private interests than honestly sought to further the general good. The number of men eminent through property or birth was too small to be able even to make an attempt at opposition, and this number was still further reduced through the harassing of sycophants, and through the heavy contributions which exhausted their means. When, however, after some years, the foreign relations of Athens again took a more favourable shape,—when the supremacy of Sparta was broken by Conon's victory at Cnidus in the year 394,—when the command of the sea which they had lost was again recovered, and the old alliance for the most part restored,—the democratic form of government not only flourished again with all its evils, but now became worse than before, because the people had more and more fallen from the excellence and activity it had displayed in earlier days, and instead of itself bearing arms, preferred to remain at home and obtain subsistence for itself by salaries for attendance in the courts and at the popular assemblies,[5] or by Theoric distributions, and to

---

[1] Dionys. on *Lysias*, c. 32, 33; Lys. *Or.* 34; cf. (Schömann's) *Const. Hist. of Athens*, p. 100 *seq.*

[2] See the law of Tisamenus, Andoc. *de Myst.* § 83.

[3] We shall see below that Demetrius Phalereus again introduced it.

[4] Xen. *Hell.* i. 6. 24; Diod. xiii. 97; Aristoph. *Ranæ*, vv. 33 and 705.

[5] Whether these salaries were at

amuse itself by feasts and spectacles, whilst it allowed its wars to be carried on, however great their success, by hired bands of mercenaries. Only occasionally and for short periods could patriotic men awaken it to vigorous action of its own, and the last struggle to which it nerved itself, the battle at Chæronea, put an end, by its unfortunate result, to the power and greatness of Athens for ever.

SECTION II.—*Details relative to the Athenian State.*

Such more detailed information as we can obtain from our authorities with regard to the individual features of the Athenian constitution relates, as regards by far the largest portion of it, only to the period in which the popular freedom founded by Solon, and secured by Clisthenes, developed into complete democracy, and then speedily degenerated into Ochlocracy. As regards the earlier times little can be ascertained with certainty, and even in the period indicated either no answer at all, or at least no definite answer, can be given with regard to many points, and room is left in many ways for doubt, or for the possibility of different views. At the same time these points are for the most part only of subordinate importance, and an account whose aim it is only to state what is essential and really worth knowing, has no censure to fear if it either passes over such points in silence, or simply states what has presented itself to the author as the most probable view without indulging in detailed expositions or the refutation of other views.

The constitution of Athens, even in its most democratic period, nevertheless, like all the democracies of antiquity, remained only a kind of oligarchy, inasmuch as here, as elsewhere, the sovereign people only formed a small minority, side by side with a large majority of persons who were entirely excluded by the constitution from any share in political power. This majority consisted of the slaves and of the resident aliens, both of which classes we shall have to deal with by way of commencement, since together they formed the substratum of the governing body of citizens.

---

once reintroduced on the restoration of the democracy is uncertain, and the affirmative is not probable. They were, however, restored soon after, and the Ekklesiastikon again paid, its amount moreover being increased by Agyrrhius to three obols; cf. Böckh, *Pub. Ec. of Athens*, p. 228.

1.—Slavery.

In the flourishing periods of the State the number of slaves in Attica amounted, as has already been remarked, to about 365,000. Thus the proportion of it to the citizen population was about 4 to 1, if the latter is taken at 90,000. A class of prædial serfs similar to the Helots or Penestæ never existed in Attica, because no subjugation of an earlier population by invading conquerors ever took place there, and the enslavement of the multitude, impoverished as they were by a load of debt at the hands of their wealthy and noble creditors, was checked at the right time and for ever by the legislation of Solon. The Attic slaves were accordingly in origin purchased slaves, imported from foreign lands. In exceptional cases it might possibly happen that Greeks also fell into permanent slavery through being made prisoners of war; but as a rule they were exchanged or ransomed,[1] and it was only permissible to retain barbarians in slavery. The principal markets that supplied slaves for purchase were at Delos, Chios, and Byzantium; and the countries from which these markets were provided were especially certain provinces of Asia Minor,—Lydia, Phrygia, Paphlagonia, and Cappadocia, as well as Thrace and the remaining northern countries included under the general name of Scythia.[2] But Athens itself had also its slave market,[3] where either slaves brought from abroad were offered for sale by slave-dealers, or such slaves as the citizens wished to dispose of met the same fate in the hands of their masters. In the same place those might also be sold who were condemned by the authorities to be sold into slavery as a punishment, which, as we shall presently see, could be inflicted for certain offences on the Metœci and foreigners. A very considerable, perhaps the most considerable, part of the slaves consisted of those who were born in Attica itself of slave mothers. For it happened not unfrequently that the masters allowed their slaves a kind of wedlock,[4] as also that a master had children by a slave-woman, these then of course following the condition of the mother. Such slaves born in the house were called οἰκογενεῖς, οἰκοτραφεῖς, οἰκότριβες, whilst slave-women were also called σηκίδες.[5] There was hardly any citizen

[1] Cf. *Antiq. jur publ. Græcorum*, p. 309.

[2] Cf. L. Schiller, *Die Lehre d. Aristoteles v. d. Sklaverei* (Erlangen, 1847), p. 25.

[3] Becker, *Charicles*, p. 359.

[4] Xen. *Œcon.* c. 9. 5; Ar. *Œcon.* i. 5.

[5] Athenæ. vi. 83, p. 263; Pollux, iii. 76.

household in Athens so poor as to be entirely without slaves, while rich people sometimes possessed several hundred. In such cases they of course could not all be maintained in the house, but pursued some trade outside of it, some singly, others combined in factories; or they applied themselves to agriculture in the country, or served as steersmen and sailors on the trading vessels, or, finally, worked in the mines. Of the last, especially, there was a large number. Nicias alone possessed a thousand of them,[1] and Xenophon is of opinion that tens of thousands could be employed in the same manner.[2] The slave artisans who worked singly handed over to their master a definite contribution out of their earnings, and retained the rest themselves.[3] The slaves employed in manufactories worked under the superintendence of an overseer (ἐπίτροπος), who was either a slave himself, or a freedman, and who calculated and delivered to the master the gross profits of the work.[4] Many owners hired out their slaves for various employments to others who were in need of them; and even the day-labourers, whom we may compare with our porters—men who stood in public places, especially in the city-Colonus, and waited for work—may have belonged for the most part to the class of slaves.[5] Further, not only were retail trade and the business of liquor-selling and tavern-keeping often carried on by slaves, but the money-changers and wholesale dealers often allowed slaves to manage their businesses.[6] Finally, in the household, the slaves served for all the employments for which hired domestics are now used, from the lowest and most necessary to those created by luxury and extravagance.

With this number and variety of their employments the condition of the slaves was of necessity very various. The slaves in a rich household were situated, as regards light work and good provision, in a better position than those of the poor; and those used for occupations which demanded skill and presupposed confidence were treated differently from those useful only for inferior work, or from those employed in agriculture and in the mines. In general, however, the Athenians possessed the reputation of distinguishing themselves above the other Greeks by greater humanity in the treatment of their

---

[1] Athenæ. vi. 103, p. 272.

[2] Xen. *de redit.* c. 4. 25.

[3] *Ib. rep. Ath.* i. 17, Andoc. *de Myst.* § 38; Æschin. *in Timarch.* § 97.

[4] Demosth. *in Aphob.* i. § 9; Æschin. *loc. cit.*

[5] Athenæ. xiv. 10, p. 619; Pollux, vii. 130.

[6] Demosth. *pro Phorm.* § 48; cf. *Att. Proc.* p. 559.

slaves, as well as in other respects, and of permitting them more freedom than was customary elsewhere. Thus Demosthenes is of opinion that in Athens the slaves enjoyed more freedom to say what they liked than the citizens in many Greek States.[1] A newly purchased house-slave was at his entrance brought to the altar of the house, and there the head of the family or his wife scattered fruits over him—such as figs, dates, and nuts, as well as pastry and small coins, by way of a good augury for their future relations.[2] The law too took them under its protection, and guarded them against excessive caprice and severity. No slave might undergo capital punishment without the sentence of a court,[3] and against cruel treatment he had the resource of taking refuge in a shrine, especially in the temple of Theseus, and of there demanding that his master might be compelled to dispose of him to another person.[4] Against malpractices on the slave of another person, the owner might avail himself of a criminal information (*γραφὴ ὕβρεως*), and a person found guilty might be condemned to pay a heavy fine.[5]

Frequently the slaves were also taken for service in war, especially in the fleet, for which those were preferred who lived independently, *i.e.* who did not serve in the house of their master.[6] For the most part they served as rowers and sailors, though often also as marines. As a reward for good service freedom was granted them, the State probably paying compensation to their masters.[7] Those who had fought in the battle of Arginusæ were at once received into the civic body, though with limited rights, as Platæans. As to this we shall give particulars hereafter.

A slave costume, provided by law, and differing from the dress of the citizens, did not exist; the slaves were not to be distinguished externally from the lower class of citizens,[8] and in the richer houses were often better clothed than these. Only the wearing of long hair was not allowed them; but this

---

[1] Demosth. *Phil.* iii. § 3; cf. Xenoph. *de rep. Ath.* c. i. 10. Here, it must be admitted, not humanity but other considerations are put forward as the cause.

[2] *καταχύσματα*. Schol. Aristoph. *Plut.* v. 768, and the commentators *ad loc.*

[3] Lycurg. in *Leocr.* § 65; Herald. *Animadv. in Salm.* p. 287.

[4] Cf. *Att. Proc.* p. 403 *seq.*

[5] *Att. Proc.* p. 321 *seq.*, and Becker, *Charicles*, p. 366, Eng. tr.

[6] These are probably the *χωρὶς οἰκοῦντες* referred to in Demosth. *Philipp.* i. 36; but freedmen also were so called, at least one class of them, with regard to which no particulars are known; cf. Böckh, *Pub. Ec.* p. 261, and Büchsenchütz, *Jahrb. für Philol.* vol. xcv. p. 20 *seq.*

[7] Cf. Rangabé, *Antiq. Hellen.* ii. 643.

[8] Xenoph. *de rep. Ath.* c. i. 10.

was only worn by a few even of the citizens.[1] Their names were mostly borrowed from their native land, though frequently they were not different from those of freemen. Only certain names, such as Harmodius and Aristogiton, were not allowed to be applied to slaves.[2] The use of the gymnasia or exercise-grounds of the free citizens was not permitted them,[3] and similarly they were not allowed to enter the popular assemblies,[4] or to appear in court as parties to a suit, but had to be represented by their masters; nor, finally, might they come forward as witnesses, excepting against a person accused of murder; in all other cases their evidence, if it was to serve as testimony, was taken from them by examination under torture.[5] On the other hand, they were not forbidden to enter the temples and shrines, or to participate in public feasts in honour of the gods; and the religious rites of the household,[6] which the slave attended in common with his master, might contribute to give a more friendly character to the relation between the two; though this is applicable only to the slaves who served in the actual house of the master, and who were not very numerous, and not to the great gangs of slaves, who were always regarded with suspicion, and could only be restrained by fear, for which reason special care was taken to avoid the collection of too many slaves on the same estate.[7]

Manumissions were not unfrequent, and kindly masters, who permitted their slaves the possession of a *peculium*, often also secured them the right of being able to buy their freedom for a determinate sum.[8] As freedmen, they passed into the position of the resident aliens; their former master became their patron, and was allowed to claim certain services from them, the more particular conditions of which might be determined at the manumission.[9] A freedman who withdrew from these services, or otherwise disregarded the duties imposed upon him towards his patron might be prosecuted (*δίκη ἀποστασίου*) on that account, and if condemned might either be again made over

---

[1] Aristoph. *Av.* v. 911, with the commentators *ad loc.*

[2] Gellius, *Noct. Att.* ix. 2. According to Polemon, quoted in Athenæus, xiii. 51, p. 587, slave women too might not be named after feasts of the gods, *e.g.* Nemeas, Pythias, and the like, though this was not very strictly observed. Cf. Preller on Polem. p. 38.

[3] Æschin. *in Timarch.* § 138; Plut. *Sol.* c. 34.

[4] Aristoph. *Thesm.* v. 300; Plut. *Phoc.* c. 34.

[5] Cf. *Att. Proc.* p. 557 *seq.* and 667, 32.

[6] *In Necær.* § 85; cf. Lob. *Aglaoph.* p. 19.

[7] Arist. *Pol.* vii. 9. 9; *Œcon.* i. 5.

[8] Dio Chrysost. *Or.* xv. p. 241; Petit. *Legg. Att.* p. 259.

[9] That the property of a freedman who died childless was inherited by his patron is clear from Isæus, *Or.* 4.

to his manumitter as a slave, or sold on account of the State, and the price paid to the manumitter. If, on the other hand, the complaint was found baseless, the freedman was released from all further obligations to his patron, and accordingly entered completely into the position of the free-born resident aliens.[1] Particular legal forms of manumission, as among the Romans, and a consequent difference in the position of the freedmen, are not found. Manumissions as the result of testamentary provisions were the most numerous. In the lifetime of the master it was necessary to make them known publicly either in the theatre, or in the popular assembly, or before a court.[2]

The Athenian State also possessed slaves of its own. Such slaves were, first of all, the so-called Scythæ or archers, a corps at first of three hundred, then of six or even twelve hundred men,[3] who were also called Speusinii, after a certain Speusinus, who first (at what time is uncertain) effected the raising of the corps. They served as gendarmes or armed police, and their guard-house was at first in the market, afterwards in the Areopagus. They were also used in war, and the corps of Hippotoxotæ or mounted archers two hundred strong, which is named in the same connection with them, likewise without doubt consisted of slaves.[4] Further, the lower servants of the public officials,—accountants, clerks, criers, bailiffs, prison-attendants, executioners and the like, were for the most part, and the latter invariably, public slaves, as also the workmen in the mint.[5] Other slave artisans, however, destined for manufacturing employment, were not possessed by the State. Xenophon[6] proposes as a suitable measure of finance, that the State should purchase slave miners, in order to hire them out to the possessors of the workings; but this proposal was never carried out, any more than that of one Diophantus, otherwise unknown, that the State should supply slaves for the performance of all handicrafts for public objects.[7] The position of the public slaves was naturally a much freer one than that of the private slaves, if only because no single individual was their master. Many of them had their own household, and accordingly their own property, with which, without doubt,

[1] Cf. *Att. Proc.* p. 473.

[2] Isæ. *frag. pr. Eumath.* § 2; Æschin. *in Ctes.* p. 41. A kind of *manumissio per mensam* seems indicated by a passage in the comic poet Aristophon, quoted in Athen. xi. p. 432 c.

[3] See Böckh, *P. E. of Ath.* p. 259.

[4] Cf. Böckh, *P. E.* p. 262.

[5] Sch. Aristoph. *Vesp.* v. 1007(1001); cf. *Antiq. jur. pub. Græc.* p. 186 *seq.*

[6] *De redit.* c. 4. 17 *seq.*

[7] Arist. *Pol.* ii. 4. 13; cf. Böckh, p. 45.

they could deal as they pleased. Apart from the services for which they were employed, they were thus, to a considerable extent, on the same footing with the resident aliens.

2.—The Metœci.

Resident aliens, or Metœci, are non-citizens possessed of personal freedom, and settled in Attica. Their number, in the flourishing periods of the State, might amount to 45,000, and therefore was about half that of the citizens. The many advantages possessed by Athens over all other Greek States made residence there more desirable for many people than life at home;[1] but in a special degree, the favourable situation of the city for commerce, and the plentiful opportunities for the pursuit of trade, and for the sale of goods, tempted many not only of the Greeks, but also of the Barbari, either to settle there permanently, or to make it for a considerable period as their place of abode. Xenophon names among them Lydians, Phrygians, Syrians and Phœnicians. And the State recognised the advantage that might arise to it from this accession of a busy population too well to refuse them admission. On the contrary, Athens possessed the reputation of showing hospitality towards foreigners, and of facilitating their residence above all other Greek States, although it must be admitted that here, as elsewhere, the principle of contempt for foreigners, which belonged to the Greeks in general, could not be wholly concealed. Strangers were not suffered to acquire landed property in Attica, and marriages between them and the citizens were not allowed by law. They were also bound to choose themselves a Prostates or patron among the citizens. This person is to be regarded as a medium between them and the State, without whose aid they could bring no action before the Courts,[2] although they were independent with regard to proceeding with a suit once commenced. We may assume that they were bound to render certain services to their Prostates in return for the assistance furnished by him, although there is nothing on the subject in our authorities. Those who had no Prostates were liable to a criminal prosecution (γραφὴ ἀπροστασίου), and if convicted were sold as slaves.[3] The same punishment was incurred by those who did not pay the protection-

[1] Cf. the lines of Lysippus in Dicæarch. *vit. Gr.*, given by Müller, *Frag. Hist. Gr.* ii. p. 255.

[2] *De Redit.* c. 2. 3; cf. c. 3. 1, 2, and 5. 3, 4.

[3] *Att. Proc.* p. 315 *seq.*

dues required by law. These dues were, for a man twelve drachmæ yearly, for women living in independence (*i.e.* not in the house of a husband or son) half that amount. To this was added the sum of three obols as a fee for the secretary of the official who received the dues.[1] The Metœci were, besides, subject to a tax from which the citizens were exempt, if they traded in the market.[2] They were likewise compelled to bear their share of the extraordinary war-taxes (*εἰσφοραὶ*) which were not unfrequently levied in time of war; and to bear the burden of certain liturgies, of which, however, we know no further particulars. At public festivals, which were celebrated with processions, a number of them, some carrying sun-shades, others water-jars and winnowing-fans,[3] were compelled to accompany the pageant. Finally, they were also under the obligation to serve in war, in the fleet as well as on land, and also, moreover, as hoplites. For the cavalry alone they were not employed.[4]

Resident aliens who had deserved well of the State were rewarded by exemption from the payment of protection-dues, and from the obligation to choose themselves a Prostates; and they were also permitted to acquire landed property in Attica. Their contributions for public objects were the same as those of the citizens, whence they were called Isoteleis. But they were excluded as before from all rights of active citizenship.[5] The granting of this Isotely took place only by a resolution of the people. For the admission of the resident aliens, the consent of some public authority was naturally requisite. Further particulars on the subject are, however, wanting; for the conjecture of some inquirers that the decision rested with the Areopagus rests upon no firm foundation.[6]

3.—The Citizen Body.

Among the citizens we have, in the first place, to distinguish between the naturalised or new citizens (*δημοποίητοι*) and the old citizens. According to the laws of Solon, extension of the

[1] Pollux, iii. 55, Böckh, p. 329. The atelia granted by Themistocles to the Metœci (acc. to Diod. xi. 43) was without doubt only temporary, and meant for the workmen employed in the fortification of the city in the Persian war. Cf. Curtius, ii. p. 327, Eng. tr., and note.

[2] Schäfer, *Demosth. u. seine Zeit.* i. p. 124.

[3] *Σκιαδηφόροι, ὑδριαφόροι, σκαφηφόροι.* Harpocr. *sub voc. σκαφηφόροι*; Pollux, iii. 55.

[4] Xen. *de Redit.* c. 2. 2 and 5, Hipparchic. c. 9. 6.

[5] Cf. Böckh, *Pub. Ec. of Athens*, p. 540.

[6] It rests only on a passage in Soph. *Œd. Col.* v. 948, which, however, only proves that the Areopagus suffered no *ἄναγνος* in the country.

citizenship to a foreigner was only permissible where he had not merely performed eminent services for the State, but had also settled permanently in Attica.[1] But this last condition was frequently departed from, and the right of citizenship extended even to non-residents, whom it was intended to honour by so doing. And it might indeed be counted as an honour, when Athens, in her better time, was still sparing with it; afterwards the lavishness with which it was conferred made it worthless.[2] In particular, Metœci, whether free-born or manumitted slaves, were often naturalised in great numbers for political reasons, to strengthen the Demos, even for instance as early as Clisthenes.[3] We may however regard the incorporation of the slaves who had helped to win the victory at Arginusæ[4] as a well-earned reward; as also, at a still earlier date, the admission of the Platæans, the faithful allies of Athens, who, after the destruction of their city by the Thebans and Peloponnesians in the fifth year of the Peloponnesian war, were thus insured a new home.[5] Thenceforward the expression, Platæans, was applied also in a secondary sense to denote the rights of the incorporated citizens,[6] which in some points were less than those of the old citizens. They were, however, enrolled in the Phylæ and Demes, and perhaps also, at least in later times, in the Phratriæ,[7] but not in the Gentes. Accordingly they were ineligible to any office connected with the membership of a gens, which, it is true, with the exception of the office of Archon, were exclusively connected with the performance of religious functions. The granting of citizenship depended solely on the popular assembly, and it was necessary, moreover, that a motion for this purpose should be discussed in two distinct assemblies; in the first, only the question whether it should be considered at all was discussed; in the second, its definite acceptance or rejection. For its acceptance, a vote in its favour of at least 6000 votes was necessary; and even then there was a legal means of combating the resolution.[8]

---

[1] Plut. *Sol.* c. 24; Dem. *in Neær.* § 89. The statement of Dio Chrysost., *Or.* xv. p. 239, that the φύσει δοῦλοι, or born slaves, could not become citizens, is not confirmed from any other source.

[2] Isocr. *de Pace*, c. 50; Demosth. *in Aristocr.* § 199.

[3] See above, p. 336.

[4] Hellanicus, quoted in Schol. to Aristoph. *Ran.* 706.

[5] Cf. the decree of the people quoted by Dem. *in Neær.* § 104. Cf. *Att. Proc.* p. 686.

[6] Aristoph. *Ran.* 706.

[7] See the examples in Meier, *Comm. Epigr.* ii. p. 103. Further particulars are given by Philippi, pp. 107-108.

[8] *In Neær.* § 89, 90.

Among the old citizens, since the law of Aristides had made the offices of State accessible to all classes, there was no longer any difference as regarded their political rights, though, with reference to the legal relations of individuals, children born out of wedlock took rank below those who were the offspring of lawful marriages. A lawful marriage, however, could only take place between citizens, except when, by a special act of favour, strangers were granted the right of marriage (Epigamia) with citizens; a concession which was often made to individuals, and sometimes also to communities. Besides this, a formal marriage-contract[1] was requisite; without this the cohabitation even of persons possessing the citizenship, and therefore entitled to marry each other, counted only as concubinage.[2] There were no prohibited degrees of affinity, with the exception of parents and descendants and full brothers or sisters by both sides; but half-brothers or half-sisters, with the same father, but different mothers, might marry one another,[3] and, in general, marriages between near relations were frequently contracted in order to keep together the property of the families. With respect to heiresses, in particular, the law provided that the nearest relative should be entitled to marry them, and consequently to receive their inheritance with them.[4] In return for this, however, he was obliged—if not by law, yet by custom and tradition,—as soon as several sons had been born to him, to appoint one of them to inherit the property brought him through his wife, that the house of the maternal grandfather might thus be restored and perpetuated.[5] For it was considered desirable, not only on political, but on religious grounds, that no house which once existed should perish: that is to say, because every house had its household ritual of which the gods ought not to be deprived. For the same reason, those who had no children, or only daughters, were obliged to adopt a son, and in the latter case at the same time to give him one of their daughters to wife; she then brought

---

[1] Ἐγγύησις by the father or other representatives, in whose custody the bride was. Cf. *Att. Proc.* p. 409.

[2] Hence the legitimate children or γνήσιοι are often termed ἐξ ἀστῆς καὶ ἐγγυητῆς, *e.g.* Isæ. *Or.* 8, § 19; Demosth. *in Eubul.* § 54.

[3] Demosth. *in Eubul.* § 21; Plut. *Themist.* c. 42; Corn. Nep. *Cimon*, c. 1. Cf. *Antiq. jur. publ. Græcorum*, p. 193, note 4.

[4] Cf. *Att. Proc.* p. 469. The heiress (ἐπίκληρος) is termed ἐπίδικος, if the relatives follow up their claim by legal proceedings. Such a course was permitted if the heiress, before the inheritance passed to her, was already married to another person.—Isæ. *Or.* 3, § 64, *Or.* 10, § 19. Married men also separated from their wives in order to be able to marry an heiress.—Dem. *in Eubul.* § 41.

[5] Isæ. *Or.* 3, § 73; Dem. *in Macart.* § 12.

her husband the principal portion of the inheritance, while the sisters were provided for by dowries.[1] Before Solon, in such adoptions, as well as in testamentary dispositions relating to inheritance, the choice of the person adopted, or named in the will, had been limited to the circle of the relations. Solon permitted free choice,[2] although custom continued to keep to the old limitation. Only such children as were born in valid wedlock or legally adopted enjoyed all the rights of kinship. These rights are included under the name of *ἀγχίστεια*, and all have reference to the right of inheritance in cases of intestacy. To pursue this right, in its particular limitation, is the less pertinent to our object, inasmuch as great obscurity prevails on many points of it, in consequence of the deficiency of our sources of information.[3] It is enough to remark in general that the *ἀγχίστεια*, or circle of relations entitled to inherit, extended as far as the children of the cousins (*ἀνεψιαδοῖ*, *ἀνεψιοῦ παῖδες*) of the intestate person, but that within this circle the Agnates took precedence of the Cognates, so that the latter were invariably only entitled to inherit where the former did not exist.

Amongst those persons who were not born in wedlock, we must in the next place draw a distinction between those who had a citizen father, but a foreign mother not endowed with Epigamia, and those who had, as their mother, an Athenian woman indeed, but one who was living with the father in a connection not recognised by the law. The latter at all times ranked as citizens,[4] and were deprived, not of political rights, but only of those of kinship, or the *ἀγχίστεια*. The former class are said likewise to have possessed the rights of citizens in earlier times, until a law of Pericles, about the year 460,[5] took these from them. It is stated, moreover, that this law had a retrospective effect, and that, in consequence of it, not much less than five thousand citizens were excluded. It has, however, become highly probable, through modern re-

---

[1] Isæ. *Or.* 3, § 42, and Schömann's note, p. 250. But a man who had legitimate sons of his own was not allowed to adopt others.—Isæ. *Or.* 10, § 9. Further particulars in *Antiq. jur. publ. Græc.* p. 193, 4. That only a citizen could be adopted is a matter of course.

[2] Plut. *Sol.* c. 21; cf. Demosth. *in Lept.* § 102.

[3] Cf. C. de Boer, *Ueber d. Att. Intestaterbrecht* (Hamb. 1838), and Schömann, Recens. in the *Halle Allgem. Lit. Zeitung*, 1840, *Erg. Bl.* nos. 65-68; with which compare what is brought forward by Hermann, *Privatalt.* § 63, 3.

[4] I must admit that objections to this view have been made by Philippi, p. 81, which seem to me of sufficient weight to cause me to withdraw my previous view, which hitherto has been generally shared in.

[5] Plut. *Pericl.* c. 37. As to the date, Bergk, *N. Jahrb. für Phil.* lxv. p. 384.

searches, that Pericles only restored a law of Solon, which, in the course of time, had fallen into desuetude, and which excluded from the citizen-body those born of mothers who were not citizens.[1] But soon after it again fell into desuetude, and hence was renewed by Aristophon in the year 403, after the overthrow of the Thirty. It was now, however, less sweeping than before, inasmuch as the citizenship possessed by sons of a non-citizen mother was not withdrawn from them, but it was only enacted that for the future those born of such mothers after the Archonship of Euclides (*i.e.* after the year 403) should be excluded; and this was still observed in the age of Demosthenes.[2] Apart from this, both classes of children born out of wedlock, who are denoted by the common name *νόθοι*, might be endowed with the rights of those born in wedlock by an act of legitimation. But for the legitimation of those whose mother was not a citizen, the consent of the people was requisite:[3] for the legitimation of the others, those whose mother was a citizen, the consent of the relatives was sufficient, though this consent may have been only obtained on the condition that the person legitimised should receive only a fixed portion of his father's property.[4] Those not legitimised naturally had no claim whatever to the paternal inheritance: but a legacy was usually left them, which, however, was not allowed to exceed the sum of 1000 drachmas.[5] As to the condition of those whose mother was a citizen but their father a foreigner not endowed with Epigamia, we have no information from our authorities. The case certainly was of very rare occurrence. We must assume that such children followed the status of the father, and were consequently non-citizens.[6] But the question whether, when a citizen woman had formed a connection with a slave, her children were also slaves, we leave undiscussed.

The young citizen first entered upon the full enjoyment of the rights of citizenship after the completion of his thirtieth year, before which age he was eligible neither for public office, nor to the council, nor to serve as a juryman. But the right of

---

[1] Cf. Westerm. *Beitr. zur. Gesch. d. Att. Bürgerrechts*, in the *Berichtungen üb. d. Verhandl. d. K. Sächs. Gesellsch. d. Wissensch.* 1849, p. 200. The doubts that may be raised with regard to his views may nevertheless admit of being put aside.

[2] Athenæus, xiii. 38, p. 577; Isæ. *Or.* 8, § 43; Demosth. *in Eubul.* § 30; cf. A. Schäfer, *Demosth.* i. p. 123 *seq.* The latter shows that this concession was an amendment of Nicomenes to the law of Aristophon.

[3] Plut. *Pericl.* c. 37.

[4] Isæ. *Or.* 6, § 22 *seq.*, and Schömann's Commentary, p. 336.

[5] Harpocr. *sub voc. νοθεῖα.*

[6] In favour of this view Arist. *Pol.* 4. 3 may be quoted. Cf. Philippi, p. 64.

attendance at the general assemblies and of participation in the voting, nay, even of speaking in them, was at least not expressly forbidden him from his twentieth year onward; although discreet and sensible young men kept away of their own accord. Full age, as regarded private legal relations, began legally as early as the eighteenth year.[1] Before young men were declared to be of full age, however, they were subjected to an examination,[2] which partly had reference to their bodily maturity, in order to ascertain whether they were capable of the military services imposed upon them at this age, partly, in the cases of orphans and the sons of heiresses, to their capability of managing their property for themselves.[3] Finally, a proof might be demanded in the course of it of the genuineness of their descent as citizens. The examination with regard to the first and third point was undertaken in an assembly of the Demotæ or inhabitants of their district, and as it seems by the older men, and especially by those who were Heliastæ.[4] That relating to the second point might be instituted before the Phratria. Those who were approved were at once inscribed in the register of members of the commune, and then placed before the people assembled in the theatre, armed with a shield and spear, and thus led to the shrine of Athene Agraulos at the foot of the Acropolis, where they pledged themselves, by a solemn oath, to the service and defence of their country. The oath, according to an account which, it must be admitted, is not authentic, ran somewhat as follows[5]— "I swear not to disgrace these weapons, and not to desert my next neighbour in the combat. I will fight for the shrines and for the commonwealth, alone and in company with others. I will not leave my country diminished, but as great, both by land and by water, as I found it. I will obey those who have at any time to decide, and will be obedient to the existing laws, and to those which shall be further enacted by the people.

---

[1] This age is indicated by the expression ἐπὶ διετὲς ἡβῆσαι. Cf. *Dissertation on the Athenian Assemblies*, p. 69 *seq.*, and Schäfer, *Dem.* iii. 2, p. 35.

[2] Cf. *Antiq. jur. publ. Gr.* p. 198, note 13; Schäfer, *op. cit.* p. 21.

[3] Isæ. *Or.* 8, § 31, *Or.* 10, § 12; Demosth. *in Steph.* 2, § 20. Cf. Philippi, p. 103, 4. According to the ancient German law, the father was obliged to give the son his mother's inheritance when he came of age.—Eichhorn, *Deutsche Staats u. Rechtsgeschichte*, § 63.

[4] Aristoph. *Vesp.* 578.

[5] Pollux, viii. 105, and with small variations, Stobæus, *Flor.* tit. 43 (41), no. 48, tom. ii. p. 110, Gaisf. For doubts as to its genuineness, see Cobet, *Nov. Lect.* p. 223. See also von Leutsch, *Philologus*, xxii. p. 279. The most important omission is that of the characteristic passage ὅροις χρήσεσθαι τῆς Ἀττικῆς πυροῖς, κριθαῖς, ἀμπέλοις, ἐλάαι, mentioned by Plut. *Alcib.* c. 15, and Cic. *de Rep.* iii. 9.

And if any man makes the laws void, or is not obedient to them, I will not permit it, but will defend them, alone, and in company. And I will honour the gods and shrines of my country.. Witness the gods Agraulos, Enyalios, Ares, Zeus, Thallo, Auxo, Hegemone." To those whose fathers had fallen in battle, there was given not only a shield and spear, but a complete suit of armour.[1] After taking this oath, the young citizens were made to serve in the country as Peripoli—that is to say, divisions of them were posted in different parts of Attica in the so-called Peripolia or watch-houses, whence they had to patrol the neighbourhood and to serve as an armed police.[2] After the twentieth year they were subject to military service outside the country as well.

The undiminished possession of the rights which by the constitution belonged to the citizens is denoted by the expression *ἐπιτιμία*, which we may translate by "possession of civic rights," though its opposite, *ἀτιμία*, by no means always answers to what we call disfranchisement. There were, on the contrary, different grades of *ἀτιμία*, according as certain specified rights of citizenship were withdrawn from a man or all without exception, and, again, according as this was done for a time or for ever. A special *ἀτιμία*, consisting only in the withdrawal of certain rights, was incurred, for instance, by the man who let drop a public prosecution undertaken by him, or in the voting of the judges did not obtain more than a fifth part of the votes; he then lost the ability to institute similar prosecutions in the future. A man who was thrice found guilty of bringing forward illegal motions in the assembly, on the so-called *γραφὴ παρανόμων*, was thenceforth deprived of the right of bringing forward motions at all. From others the right of becoming members of the council, or of filling public offices, was withdrawn. Others, again, were forbidden to frequent the market; others to visit some part of the territory of the Athenians or their allies. This, for instance, was forbidden in the Peloponnesian war to many of those who had compromised themselves under the rule of the Four Hundred.[3] The complete withdrawal of all rights of citizenship excluded, not only from all participation in political action of any kind, but also from visiting the market and the public shrines, and took from those who, nevertheless, had participated in such action even the privilege of appearing as prosecutors before the courts in

[1] Æschin. *in Ctes.* § 154.
[2] Harpocr. *sub voc.* *περίπολοι.*
[3] Andoc. *de Myst.* § 76, where those persons on whom partial Atimia is imposed are called *ἄτιμοι κατὰ πρόσταξεις.*

matters in which they were personally concerned.[1] This kind of Atimia was attached as a punishment to certain offences and the neglect of certain duties, of which we shall hear later on; while it was also incurred by the debtors of the State who had not discharged their debt within the time appointed by law; in the latter case it was combined with the imposition of double the debt to be paid.[2] It did not last, however, beyond the discharge of the debt. When once this had taken place it ceased; whilst, on the contrary, it attached permanently to those on whom it was imposed as a punishment for offences or omissions of duty; nay, sometimes it was not merely limited to the guilty parties, but was also extended to their children.[3]

4.—Divisions and Associations of the Athenian People.

The State is a union, not of individuals in atomistic isolation, but of larger or smaller corporations and societies. In part these are of importance merely as regards the legal relations of private persons; in part, however, they have a political significance, inasmuch as they serve as a basis for the organisation of the government and administration. Of these smaller corporations one is the household and family: this, in so far as the State draws it into the sphere of its own activity, will come under our consideration hereafter. At present we shall proceed to mention certain bodies which are brought under our notice in an ancient law, traditionally attributed to Solon,[4] and are granted legal validity for their agreements and regulations, in so far as these are not in contradiction with the laws of the State. Such corporations are, in the first place, the trading companies,[5] or societies for the co-operative pursuit of trades, of which there were without doubt a large number; secondly, societies for privateering,[6] such as may have been commonly formed in time of war, for the purpose of equipping a privateer vessel at the general expense, and capturing ships belonging to the enemy; again, combinations of several families for the joint

---

[1] Lys. *in Andoc.* § 24; Æschin. *in Timarch.* § 21; Dem. *Mid.* § 87.

[2] Andoc. *loc. cit.* See the subsequent section of this work on the financial system.

[3] Cf. Demosth. *in Aristocr.* § 62, *in Mid.* § 113; pseudo-Plut. *Lives of the Ten Orators*, p. 834; Böckh, *Monatsbericht d. Akad. d. Wissenschaft*, 1853, p. 160.

[4] Dig. xlvii. 22 (*de colleg. et corp.*), frag. 4. In several places the text of this law is very uncertain; I have been content to deal only with non-political corporations, with regard to which no doubt is possible.

[5] In the law εἰς ἐμπορίαν οἰχόμενοι; cf. Harpocration, *sub voc.* κοινωνικῶν: κοινωνίαν ἐμπορίας συνθέμενοι.

[6] In the law ἐπὶ λείαν οἰχόμενοι; cf. *Antiq. jur. publ. Græcorum*, p. 368, note 8.

possession and use of a burial-place,[1] a kind of combination which in all probability existed only among families connected by relationship. Besides these the law names dining-clubs, of which we are least of all in a position to speak with certainty. Apparently it was frequently the case that men who either possessed no establishment of their own, bachelors or widowers, or those who preferred taking their meals in male society rather than at home with their wives, combined to form these dinner clubs. For instance, according to a statement in Plato,[2] Lysimachus, the son of Aristides, and Melesias, the son of Thucydides, were members of a club of the kind, their sons who belonged to the younger generation also taking part in it; and it is possible that in this law of Solon an association of the kind may be intended.

We are better informed concerning the Thiasi, which are likewise mentioned in the law. The name denotes associations which had chosen as their special protector and patron some deity in whose honour at certain times they held sacrifices and festal banquets, whilst they pursued in addition objects of a very varied nature, sometimes joint-stock businesses, sometimes only social enjoyments, and a pleasant life in each others' society; they were, however, regularly organised, with presidents, business officials, treasurers, and the like; and they called themselves by various names, some after their divine protectors and patrons, others after the days they were wont to celebrate as feasts: Numeniastæ, for instance, was the name of a society that kept the day of the new moon, Eikadistæ of one that kept the twentieth of the month. To this class we must at any rate assign a kind not named in this law, the Erani. This name likewise denotes societies formed partly for purposes of amusement and feasting in common, partly also for mutual support, so that if a member fell into pecuniary distress, and stood in need of assistance, the rest made a collection, and supplied him with what was needful, which, however, when his circumstances had improved, he was bound to make good. These societies, like the others, had a formal organisation: we find mention of their presidents (Archieranistæ and Prostatæ), secretaries, treasurers, and syndici, or legal advisers;[3] and, with regard to legal proceedings, they were favoured by the circumstance that for suits arising from the relation of Eranistæ a more rapid judicial procedure was ordered, and the courts were bound to decide their

[1] Cf. Demosth. *in Macart.* § 79, and *in Eubul.* § 67, οἷς ἠρία ταὐτά.

[2] Lach. p. 179 B.

[3] See *Antiq. jur. publ. Gr.* p. 305, 4.

causes within a month.[1] All these societies were included under the general name of Hetæriæ.[2] But this name is generally applied in a special sense to political clubs. These were not, like the preceding, societies recognised and authorised by the State, but combinations at best only tolerated, but often secretly conducted. Their object was to pursue certain interests in the State, now of a wider, now of a narrower extent; the aim was sometimes the alteration of the constitution or the domination of the party, sometimes only the furnishing of mutual assistance in obtaining office or in legal proceedings.[3] In pursuing these ends they were for the most part not very scrupulous in the choice of means, and did not disdain the employment of such measures as false testimony and corruption.[4]

With the Phratriæ, to which allusion is likewise made in the law of Solon, we have previously become familiar as subdivisions of the four ancient Ionic tribes, three in each, the total number being therefore twelve. In only one case are we acquainted with the name of a Phratria, and this name certainly sounds like that of a gens, *Ἀχυλάδαι*:[5] though it by no means follows from this that all were named in a similar manner. Even if some of them did bear the names of prominent gentes, it is nevertheless quite possible that others may have been called after the most important places in their districts, as we shall see presently in the case of the Demes. Clisthenes, when he constituted his new Phylæ, allowed the Phratriæ to subsist as they were, untouched; so that they were quite distinct from the Phylæ and not subdivisions of them, and the members of one and the same Phratria might belong to different Phylæ. The opinion that he formed new Phratriæ for the numerous new citizens he enrolled is decidedly false; but it is highly probable that he incorporated these citizens in the Phratriæ already existing, which from this time onward are to be regarded as ecclesiastical rather than as political bodies. For the present we have only to remark concerning them that the registration of children in the official registers of the Phratriæ afforded a means of practising a kind of recognition of the legitimacy of their birth, of a similar nature to that exercised at the present

---

[1] Meier's *Att. Proc.* pp. 541, 899.

[2] Gaius in Dig. xlvii. 22. 3. 1, *Sodales sunt qui eiusdem collegii sunt, quam Græci ἑταιρίαν vocant.*

[3] Hence *συνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*, Thuc. viii. 54.

[4] Cf. Demosth. *in Mid.* § 139, *in Zenoth.* § 10, *in Pantæn.* § 39, *in Bœot. de dot.* § 18, *in Bœot. de nom.* § 9.

[5] *Corp. Inscr.* i. no. 469.

time through their registration in the church registers.[1] This ceremony was regularly performed on the third day of the Apaturian festival, the so-called *ἡμέρα κουρεῶτις*, but, in exceptional cases, on other occasions of the assembling of the Phratriæ as well.[2] On the appointed day the father placed the child before the assembly, made the declaration upon oath that it was begotten by him in lawful wedlock, then offered a sacrifice to the deity of the Phratria, and entertained the Phratores at a sacrificial banquet. The registration took place through the president of the Phratria, the *φρατριάρχος*, and the register was called *τὸ κοινόν* or *τό φρατορικὸν γραμματεῖον*. Adopted children were similarly introduced into the Phratria of their adoptive father, and their names entered in the register. Similarly, the newly-married husband introduced his wife into the Phratria, held a sacrifice, and gave a sacrificial feast.[3] It is possible also that youths were not pronounced of age until they had been presented to the Phratria[4] and, when necessary, subjected to a certain examination, which, in the case of the sons of heiresses to whom their mothers' property was to be delivered, or in the case of orphans who were now to be released from wardship, probably had special reference to the capacity requisite for the independent management of their property.

The gentes or subdivisions of the Phratriæ—each Phratria, we are told, containing thirty—remained wholly undisturbed by the constitution of Clisthenes, and the newly-enrolled citizens were not admitted into them, since such admission was impossible without manifold injury to relations connected both with religion and with individual interests. For not a few gentes were in hereditary possession of certain priesthoods, and in default of nearer relatives an inheritance undisposed of by will might occasionally fall to the members of the gens. On this account, at a later period, the newly introduced citizens, though perhaps incorporated sometimes into a Phratria, were never received into a gens: into the latter their descendants might obtain admission, but solely as a result of adoption by a member of the gens, *e.g.* by their maternal grandfather, in cases where the father had married a wife descended from an old citizen-family, and even then, without doubt, they could be admitted

---

[1] With the difference of course that these latter indicate illegitimate children as well, and specify them as such, while, on the contrary, only the legitimate children were entered in the registers of the Phratriæ.

[2] Cf. Isæus, *Or.* 7, § 15.

[3] Isæus, *Or.* 3, § 76, d ; Schömann's Commentary, p. 263.

[4] Pollux, viii. 108; Schäfer, *Demosth.* ii. p. 21. The matter is, however, extremely uncertain. Cf. also *Antiq. jur. pub. Gr.* p. 280, note 10.

only with the assent of the rest of the members. The entry of names in the register of the gens took place at the same time as in that of the Phratria, through the chief of the gens.[1] Each gens, besides the worship of Zeus ἑρκεῖος and of Apollo πατρῷος, which were common to all, had its especial cult of some particular deity; for the maintenance of this it possessed priests, shrines, possibly also plots of land, and a treasury under the administration of a special officer. Besides these we also find mention of Leschæ, or houses of meeting for the gentes.[2]

Among the new citizens and their descendants, who stood outside the ancient genuine Attic gentes, and whose number must have been considerable, there were necessarily formed certain societies analogous to the gentes. Since each house had its private ritual, it was natural that several households sprung from the same progenitors should possess these rites in common. This accordingly formed the basis of a religious communion between them, and caused their union into associations for worship, which, though narrower in extent than the gentes, were yet not of an essentially different nature. The members of these later religious associations, however, were not called γεννῆται, a name which remained the exclusive property of the ancient Attic gentes, but merely took the general name of Orgeones, which denoted other religious associations as well. That they all, like the gentes, paid special honour to Zeus ἑρκεῖος, need hardly be mentioned; but there was no reason for their exclusion from the worship of Apollo πατρῷος; in reality the god was their real πατρῷος, by virtue of the fact that his worship was transmitted by inheritance from the ancestor who was first admitted to citizenship down to the families that in course of time descended from him. The admission of the children of the members and their registration took place in the same way as in the gens.[3]

When Clisthenes, for the reasons before indicated,[4] found that his scheme required a new division of the people differing from that which had previously existed, he divided the whole country into a hundred[5] administrative districts: and of these in their turn every ten were united into a larger whole.

---

[1] Isæus, *Or.* 7, § 15. The chief of the gens is called ἄρχων τοῦ γένους in a register of the gens of the Amynandridæ (Ross, *die Demen von Attica*, p. 24), in which also a ἱερεὺς Κέκροπος and a ταμίας are named.

[2] Proclus on Hesiod, *Op. et Dies*, v. 492.

[3] Isæus, *Or.* 2, § 4, with Schömann's Comm. p. 208 *seq.*; Schömann's *Const. Hist. of Athens*, p. 72; Philippi, pp. 205-227.

[4] See above, p. 336.

[5] The number, attested by a right interpretation of the passage in Herodotus (v. 69), has been doubted by some recent inquirers, but without substantial reason.

These last he called Phylæ, a name not specially suitable, it must be admitted, for a division based only on locality and not on descent, although it is elsewhere used in a similar sense. The smaller districts were termed δῆμοι, the single demes were named partly after the small towns or hamlets they contained, partly after distinguished gentes whose property was situate in them.[1] These appellations, as well as the name of δῆμοι itself, were not invented by Clisthenes, but were already in existence. Long before his time there had been districts, towns, and hamlets, with their adjacent territory, bearing the general name of demes, and each naturally possessed its special name. Clisthenes's innovation consisted only in fixing the number at one hundred. To this end no doubt some modifications of the earlier relations were requisite: for instance he would have to combine several smaller places into one group, sometimes also to take away a portion from a larger district and to add it to another, in order that all should be, if not exactly equal, at least as nearly so as possible. Alterations of this kind, however, might be made without any injury to existing rights; for the demes now founded as administrative divisions, with rights and privileges, presented in their altered constitution something wholly novel, which had not existed in the same shape among the earlier groups of villages and districts. Wherever, then, religious associations existed among the inhabitants of a district who were now attached to different demes, these associations were not in any way destroyed by Clisthenes's arrangement, but remained as before. Besides this, the number of the demes was afterwards increased. Village groups that in earlier times had been united with others into one deme were at a later time, when their population had increased, themselves made into separate demes.[2] In some places indeed, entirely new village groups may have arisen, and so necessitated the division of the district into two demes. In the latter case it is possible that a deme was transferred from one Phyle into another, since care was certainly taken to maintain, so far as was possible, an equality of population among the Phylæ, for the reason that, as will hereafter be seen,

[1] As examples of local names we may take Marathon, Œnoe, Besa, Lamptra, Eleusis; as examples of gentile names, Butadæ, Thymætadæ, Cothocidæ, Perithœdæ, Semachidæ. It is worthy of remark (cf. *Antiq.* p. 201, 5) that the demes named after gentes are situate mainly in that part of the country which has been assigned to the Phyle of the Geleontes, and where accordingly the greatest number of noble families and the most important of them lived.

[2] As was apparently the case with Brauron, which before belonged to the deme Philaïdæ; cf. Westermann on Plut. *Solon*, 10.

many rights connected with the tenure of magistracies, as well as many duties connected with liturgies, were distributed among them in equal measure. The number of the demes rose latterly to 174,[1] but the memory of the original number was permanently maintained by the name of the hundred heroes, which was the title used to indicate the eponymous founders of the demes.[2] Another alteration which took place in the course of time was as follows: according to the first arrangement of Clisthenes every one belonged to the deme in which either his domicile or at least his property was situate. At a later period, however, since sons continued to belong to the deme of their father, it often happened that a man was counted a member of a deme in which he neither lived nor possessed property.[3] Of transfer from one deme to another we can find no instances except as a result of adoption: the adopted son being necessarily transferred from the deme to which he belonged by birth to that of his adoptive father.[4] To the complete official title of a citizen, besides the mention of his father, that also of his deme was usually added, *e.g.* Demosthenes, son of Demosthenes, of the Deme Pæania.[5]

The demes, like all societies of the kind in the Greek States, although arranged essentially for political and therefore according to our modern mode of expression for secular objects, yet formed at the same time religious or ecclesiastical unions; for to the Greek mind in every kind of union a religious bond seemed desirable and even indispensable. Every deme worshipped a superhuman being, some ancient hero, as its Eponymus, and this hero might at the same time be regarded as a protector and patron, as well as a mediator between his worshippers and the gods. Apart, however, from the cults of the eponymous heroes, of which many may have been first established by Clisthenes or even after his time, there were also many other worships handed down from ancient times. Of these some belonged to single demes, others were common to several; the latter kind were also shared by the demes which Clisthenes had separated on his organisation of the Phylæ and attached to different tribes,—a clear proof that he left existing religious institutions untouched. There were consequently priests in the demes to attend to the proper

[1] Strabo, ix. i. p. 396.

[2] Herodian, *περὶ μονηροῦς λέξεως*, p. 17, 8.

[3] Cf. *de Comit. Ath.* p. 366.

[4] Demosth. *in Leochar.* § 21, 34 *seq.*

[5] In the case of some demes the adverbial form is usual, *e.g.* Κολωνῆθεν, not Κολωναῖος; in the case of others the preposition, *e.g.* ἐξ Οἴου, and in the case of women, the deme is only stated in the latter manner. Cf. Franz, *Elementa Epigraphices Græcæ*, p. 339.

performance of their cult, and these were appointed, in part at least, in a manner combining election by lot with election by vote; the members appointing a certain number of candidates by vote, and a selection from this number being then made by lot. Among the administrative officials of the deme the highest was the Demarch, who was probably appointed by vote and not by lot. Besides this functionary we find mention of officers who had charge of the funds and the accounts, treasurers (*ταμίαι*), controllers (*ἀντιγραφεῖς*), and revisers (*εὔθυνοι*).[1] For besides the buildings and lands serving for the performance of their worship, the demes also possessed others for the common benefit of their members. These were let, and the rental was paid into the fund of the deme. Besides this, land-tax was levied upon properties in the district of a deme which were held by members of other demes; and finally, taxes on property or income were imposed on the members to meet the needs either of the worship or of the administration. For deliberation on subjects affecting the community, for the election of officers, and similar business, assemblies of the members must of course frequently have been held, and these assemblies are called by the ancient and traditional name *ἀγοραί*, not, like the general assemblies of the people, *ἐκκλησίαι*. Of more general interest as regards the State collectively are demotic assemblies of two kinds: first, those in which the admission of the younger citizens took place; secondly, those in which the revision of the register of citizens was effected. The admission of the young citizens took place in their eighteenth year, and was apparently performed in the same assembly in which the officials were elected.[2] The newly-admitted citizens, if their title to citizenship was sufficiently proved, were entered in a register kept by the Demarch, and called the *ληξιαρχικὸν γραμματεῖον*, the reason being, we are told, that henceforward the young men were entitled to enter on the inheritance that fell to their share (*λῆξις τοῦ κλήρου*); but to entitle them to active participation in the assemblies a second registration in another register, the *πίναξ ἐκκλησιαστικός*.[3] This registration was probably not performed until the expiration of the two years during which they had to serve as *περίπολοι*, and it not merely

[1] See *Antiq. juris publ. Græcorum*, p. 204.

[2] Cf. Schömann on Isæus, p. 369. With regard to the time of these elective assemblies nothing definite can be stated; cf. Schömann, *Opuscula Academica*, i. p. 289 *seq.* and Schäfer, *Demosth.* iii. 2, p. 28. The opinion, recently revived, that in Demosth. *in Leochar.* § 39, and Isæus, vii. 28, it is elective assemblies not of the demes but of the whole people that are spoken of is decidedly incorrect.

[3] Demosth. *in Leochar.* 35.

entitled, but even obliged those who were registered to attend the assemblies. The revision of the lists of citizens was performed at indeterminate times, when special occasion was given for it, it may be when suspicion gained ground that a number of persons had been improperly registered. The names were then read one by one from the register, and as each was read it was asked whether any objection was to be made to it. When objections were made, they were of course discussed, and evidence was brought forward both for and against them, so that the matter could not be despatched in one assembly, but required several meetings of the members of the deme.[1] If, finally, a vote was taken, and the result was unfavourable to the person concerned, no injurious consequence followed, provided he acquiesced, further than that his name was struck out, and that therefore henceforward he no longer ranked as a citizen. If, however, he did not abide by the resolution of the members of the deme, and instituted, as he was permitted to do, a suit before a heliastic court, he was condemned, if the decision was against him, to lose his freedom, and was sold as a slave on account of the State. The places of meeting of the demes were always in the principal place of their district, and were only in the capital when a part of this belonged to the district of a deme; a case which, as the capital steadily grew in extent, happened with several of the demes bordering on it.[2]

The Phylæ of Clisthenes, as has been already stated, were combinations each containing ten demes. On what principle he attached the single demes to this or that Phyle cannot be clearly ascertained. Only this much is certain, that it was by no means always the neighbouring demes that were connected; for many of those belonging to one and the same tribe lay far apart, and were separated by others belonging to other Phylæ.[3] By this arrangement Clisthenes seems to have wished to provide that in the deliberations of the Phylæ local and particular interests should not outweigh the general interests of the country. The Phylæ received their name from ancient indigenous heroes: they were called Erechtheis, Ægeis, Pandionis, Leontis, Acamantis, Œneis, Cecropis, Hippothontis, Æantis, Antiochis. This was the traditional order of succession, but had no demonstrable influence on the rights or functions of the Phylæ, which were, on the contrary, determined annually by lot.[4] The

[1] Demosth. *in Eubulid.* § 9 *seq.*

[2] The so-called city-demes, Kerameis, Melite, Diomea, Kollytos, Kydathenæon, Skambonidæ.—Sauppe, *op. cit. sup.*; Leake, *Topog. of Athens*, i. p. 440; and Meier, *Halle Allg. Lit. Zeit.* 1846, p. 1082.

[3] *Antiq.* p. 201, note ii.; Grote, *Hist. of Greece*, iii. 352.

[4] Böckh, *Corp. Inscr.* i. pp. 153, 234, 299.

statues of these ten heroes, the Eponymi, stood in Athens in the market: and written decrees intended for publication were usually affixed to them. Each Phyle paid worship to its eponymous hero, to whom also were assigned portions of land (τεμένη) with special priests.[1] As officials of the Phylæ, we hear only of presidents (ἐπιμεληταί) and treasurers (ταμίαι) to administer the funds.[2] To these were paid the revenues arising from the landed property belonging to the Phylæ or from the contributions of its members. The assemblies of the Phylæ were called, like those of the demes, ἀγοραί, but were always held in the city of Athens,[3] because, with the want of local connection that existed in the Phyle, no other place could be suitable as the common centre of the members. In these assemblies, however, not only were the special affairs of the Phyle dealt with, but also those of the whole State. They were, for instance, commissioned[4] to appoint officials from their own number for the superintendence of the public works, as, for example, the walls of the city, its fortifications and moats, the roads, and the ships of war: they appointed the Liturgi, persons whose duty it was to provide the necessary paraphernalia at those State festivals which were combined with theatrical or gymnastic displays, or at which public banquets were held, as well as to meet a large portion of the expenses. Whether, however, the members of the senate, of whom there were fifty from each Phyle, were chosen in its meetings or elsewhere is uncertain: but of the boards of magistrates, of which several consisted of ten members, one from each Phyle, we know that their appointment did not take place in the tribal assemblies.

We have previously mentioned[5] that the four ancient Phylæ which existed before Clisthenes were divided into small administrative districts, which were termed Naucrariæ, and of which there were twelve in each Phyle, and therefore forty-eight in all. This division Clisthenes retained in its essence, but connected it with his new arrangement of the Phylæ by making fifty Naucrariæ, five for each Phyle,[6] and—a circumstance which, though nowhere expressly stated, nevertheless seems scarcely to admit of doubt—combined every two demes into a Naucraria. The importance of the Naucrariæ naturally did not remain the same as it had formerly been, and we hear in particular that the business which had belonged to the

[1] Böckh, *Corp. Inscr.* p. 175; Köhler, *Hermes*, vol. v. p. 339.

[2] *Ib.* p. 142, no. 104, 9; Rangabé, *A. H.* ii. p. 174, no. 476.

[3] Sauppe, *op. cit.* p. 20; Meier, *ut sup.* p. 1088.

[4] Schömann, *de Comit. Ath.* p. 374; Böckh, *P. E.* pp. 598, 619.

[5] See above, p. 326.

[6] Photius, *sub voc.* ναυκραρία from Clidemus.

Naucrari had now passed to the Demarchs.[1] As these functionaries now had in their hands the whole financial administration and police supervision of their district, it follows that the Naucrari had nothing further to do with business of this kind, but that their function could now have reference solely to the contributions for the purposes of the State, especially for the navy, and perhaps also for the cavalry; so we find them actually designated as trierarchs, and the Naucrariæ as something analogous to the Symmoriæ.[2] How long they may still have lasted cannot be ascertained; certainly not beyond the time when, at the instigation of Themistocles, the navy was increased far beyond its former limit. After this time the cost of building ships was defrayed from the funds of the State, a special fund being formed for the purpose under a treasurer, and the building being directed, under the supervision of the Council, by ten Trieropœi appointed by the Phylæ.

Whether Clisthenes also made Trittyes is doubtful. In earlier times, we are told, this name denoted unions, each containing four Naucrariæ, so that there were three Trittyes in each of the old Phylæ, an arrangement also indicated by the name Trittys. These Trittyes naturally now ceased to exist. In later times we find Trittyes again named as thirds of the Phylæ of Clisthenes;[3] as regards these it is impossible to discover more than that the division must have had special reference to the navy and to military service.

5.—The Council of the Five Hundred.

The description of the State as a whole, embracing in itself as subordinate parts all the smaller societies hitherto mentioned, may be most suitably commenced with what Aristotle calls *τὸ κύριον τῆς πολιτείας*;[4] that is, with the sovereign power. This power in a democracy is possessed only by the people as a whole, and is exercised in general assemblies. As, however, it

[1] Harpocration, *sub voc.* *δήμαρχος* and *ναυκραρικά*; Schol. Aristoph. *Nub.* v. 37; Photius *sub voc.* *ναυκραρικά*; Pollux, viii. 108.

[2] Photius, *sub voc.*; *Lexicon Seguerianum*, p. 283.

[3] Demosth. *de Symmor.* § 23; Æschines, *in Ctes.* § 30. Cf. Plato, *Rep.* v. p. 475, where Trittyarchi are mentioned as subordinate commanders under the Strategi. Then Trittyarchi appear in inscriptions of Ol. 120. 2 and 121. 2; Rangabé, *A. H.* ii. no. 443, v. 44, and 2298, v. 31. Another inscription of an earlier date (*ib.* no. 448) names an *Ἐπακρέων τριττύς*, with regard to which it remains uncertain whether the *Ἐπακρεῖς* formed a trittys, or whether the trittys was a division of the *Ἐπακρεῖς*. The former, however, appears to me more probable. Cf. Ross, *Demen von Attika*, p. 8, and Haase, *Stammverf.* p. 70.

[4] *Pol.* iii. 5. 1.

is impossible for such assemblies themselves to deal singly with all matters of government and administration, the greater part of these must be left to certain authorities, who deal with them in the name of the sovereign people and under commission from it, and are responsible to it for their management. But for the popular assembly itself an authority is requisite which shall prepare for debate in the general body the subjects appropriate to its discussion and decision, and shall provide that the actual discussion shall proceed in that form which is proper and prescribed by the laws. Such a preliminary authority was the Council of the Five Hundred. But it was not merely this, but also an extremely important administrative authority to whose independent attention were left certain kinds of business inappropriate to a numerous popular assembly, although, as need hardly be pointed out, it was still responsible to the people concerning them.

The number of the Council—five hundred—is connected with the arrangement of the Phylæ which was introduced by Clisthenes. In earlier times the Council had consisted of four hundred persons, doubtless a hundred from each Phyle. The members (Bouleutæ) were appointed by lot, and with beans; a mode of election which, it may be remarked, was certainly not introduced earlier than the appointment of the magistrates by lot, and this, as has above been shown, is ascribed with greatest probability to Clisthenes. Only the citizens of the three higher classes were eligible. It was only after Aristides had made the magistracies, with few exceptions, accessible to all classes without distinction, that the Thetes also were enabled to reach the Council. After that time, apart from *ἐπιτιμία*, nothing further was requisite for eligibility than the legal age of at least thirty years.[1] So long however as the places in the senate were unpaid, the poorer classes naturally were glad to maintain their exclusion. The payment, a drachma a day,[2] was probably introduced at the same time as that given to the popular assemblies and judicial bodies, *i.e.* in the age of Pericles. The oligarchy, or modification of absolute democracy, which existed for a time towards the end of the Peloponnesian war, abolished with other payments that of the Council also.[3] Later on this was restored; the date however cannot be definitely determined. The tenure of the post of councillor, like that of most of the magistracies,

---

[1] Xen. *Mem.* i. 2. 35. That naturalised citizens also could become members of the Council is proved by the example of Apollodorus. See Demosth. *in Neær.* p. 1346.

[2] Hesych. i. p. 750, *sub voc.* *βουλῆς λαχεῖν.*

[3] Thuc. viii. 97.

was annual; but the posts could be filled several times by one and the same person, although hardly in direct succession,[1] any more than was the case with magistracies. At the casting of lots two persons were selected for each post, the second as a reserve man in case the first should be hindered from serving.[2] Such hindrance might result from the examination (*δοκιμασία*) which it was necessary to undergo before the old Council. In the course of this any one was allowed to bring forward his objections to the fitness of the person selected by lot, and these objections, if they were found to be well grounded, excluded him from entering on his office.[3] The considerations according to which fitness or unfitness was judged were essentially the same as were regarded in the dokimasia of the magistrates, and on this account we shall content ourselves with a reference to what is to be said upon this point hereafter. At their entry the Bouleutæ took an oath of a very specific character, referring to all the different duties and functions of the Council.[4] Their sign of office, when they were sitting as a collective body, consisted in a wreath of myrtle. At public assemblies, both feasts and dramatic representations in the theatre, as well as assemblies for the transaction of business, they had their special place of honour, and during their year of office they were free from military service. If a member of the Council were accused of a crime the body might provisionally remove him. This took place by means of the so-called *ἐκφυλλοφορία*, because the voting in it was performed with leaves of olive instead of with voting tablets or pebbles. A fuller inquiry about the person removed then took place, and after it, if the result proved favourable, he might be again admitted; in the contrary case he was liable to further punishment.[5] After the expiration of their year of office it was customary in the age of Demosthenes for a golden crown to be decreed to the Council collectively as a sign of the satisfaction of the people with their tenure of office; this crown, together with the decree, being then preserved in a shrine as a consecrated offering. If the people were not satisfied, the crown was naturally refused, and the laws expressly determined special cases for its refusal; for instance, if the Council had left unperformed the duty incumbent on it of attending to the building of new ships of war.[6] For other derelictions of duty the individuals at least by whom these were committed or allowed

---

[1] Cf. Böhneke, *Forschungen*, p. 48.
[2] Harpocr. *sub voc.* *ἐπιλαχών*.
[3] Lys. *in Philon.* p. 890; *in Evand.* p. 794 *seq.*; *Mantith.* p. 570 *seq.*
[4] *Antiq.* p. 212, note 2.
[5] Cf. *de Comit. Ath.* p. 230.
[6] Demosth. *in Androt.* pp. 595-6.

might be made responsible and punished, even if the body in general could not be called to account concerning them.[1]

Inasmuch as the Council was the authority on which devolved the task of preparation for the popular assemblies, its duty was to deliberate previously about everything which was to be brought before the latter, and to draw up a provisional resolution (*προβούλευμα*), about which we shall have to speak more particularly in the next section. Here we have to do only with the subjects which were left to it for its own independent administration. These belonged especially to the department of finance and to the departments of war connected therewith. The farming out of public revenues, the receipt of tenders for public works, the sale of confiscated properties and the like, were carried out under superintendence of the Council, by the Poletæ, who were commissioned for the purpose, and its ratification was requisite for their validity.[2] The law authorised the arrest of the tenants or their sureties as well as the receivers of public moneys, if their payments were not made at the proper time.[3] The payments of the receivers to the different treasuries took place before the Council, and at its direction.[4] The treasurers of Athene and of the remaining gods were under its superintendence; in its presence they received from their predecessors and delivered to their successors, according to the inventory received, the money and valuables under their protection.[5] To meet certain special expenses connected with the position of the Council—for instance, the cost of the sacrifice to be offered by the Prytanes on account of their office—it had a special treasury under a treasurer chosen by the Prytanes from their own number.[6] The public expenditure moreover from the other public treasuries was under its supervision, and was defrayed by its instructions. To it also belonged the duty of providing for the annual building of a certain number of new ships of war, and of concluding the contracts for this object with the trierarchs.[7] In general the fleet and all that pertained to it were under its special supervision. It was bound to see that there was no want of the necessary stores and other requisites, and in time of war

---

[1] The saying of Æschines *in Ctes.* p. 412, *τὴν βουλὴν τοὺς πεντακοσίους ὑπεύθυνον πεποίηκεν ὁ νομοθέτης*, is probably to be understood only in the manner stated. As to complaints against individuals, cf. Demosth. *in Androt.* p. 605, § 39.

[2] Cf. Andoc. *de Myst.* § 134; Böckh, *Pub. Econ. of Athens*, p. 155.

[3] *Ib.* p. 338.

[4] *Ib.* p. 160.

[5] *Ib.* p. 163 *seq.*

[6] *Id. Staatsh.* i. 232; Rangabé, *A. H.* ii. no. 468, 1175, 2297.

[7] Böckh, *Pub. Econ. of Ath.* p. 249.

to lend its aid in rapidly fitting out the ships.[1] Similarly it decreed to the trierarchs, who had shown themselves most zealous in this respect, the appointed reward—a crown.[2] The cavalry, again, which was kept embodied, and was exercised during peace as well as in war, was under its especial supervision. It was bound to inspect these troops from time to time, and to direct the payments appointed for them.[3] Finally, in raising levies of men for war, a process undertaken in each deme independently, commissioners of the Council seem to have acted in conjunction with the demarchs.[4]

Among other kinds of business belonging to the Council we may specially mention that the nine archons after their discharge from office had to undergo an examination before it, of which particulars will be given hereafter. We may note besides that in many cases it also served as a court of justice, viz., when a criminal information or a civil suit was submitted to its notice relative to such breaches of the law as for some reason did not admit of the usual course of procedure. It could, however, pronounce an independent judgment only in comparatively unimportant cases, its right of punishment being limited to a fine of five hundred drachmæ. More serious cases it was bound to send either to a heliastic court or even to the popular assembly. Frequently, however, both in these matters and in other affairs which properly lay outside its competence, it received full power from the people to pass an independent decision.[5] Resolutions of the Council which required the assent of the people were called *προβουλεύματα*; such resolutions, however, could only be brought before the popular assembly by the same Council that had drawn them up, and accordingly at the expiration of its year of office became invalid. Hence when the matters to which they related could not be suffered to drop, a new proposal concerning them before the succeeding Council was requisite, as also a new probouleuma. Other resolutions of the Council which did not belong to the class of probouleumata could only have reference to the branches of administration with which it was within the power of the Council to deal, and for the most part concerned measures of administration which were to be carried out at once. If however they were not carried out during the Council's term of office, they also became invalid on its retirement,[6] in so far as the new Council did not adopt and repeat them.

---

[1] Böckh, *Seeurkunde*, pp. 59, 63.

[2] Cf. the speech of Demosthenes, *de cor. trier.* p. 1228 *seq.*

[3] Böckh, *P. E. of Ath.* p. 250.

[4] Demosth. *in Polycl.* p. 1208.

[5] Cf. *de Comit. Ath.* p. 95.

[6] Demosth. *in Aristocr.* p. 651.

For the purpose of transacting its business, the Council held sittings daily, except on feasts and holidays, at its place of meeting, situated in the market, and called the *βουλευτήριον* or council-house. Only in exceptional cases did it meet elsewhere; for instance, on the Acropolis, or in the Piræus, and, for special reasons, in the Eleusinium or the temple of the Eleusinian Demeter,—not that at Eleusis, but that situated in Athens itself.[1] In its usual place of meeting, the seats were apparently numbered, and the oath bound the members only to sit in their appointed places.[2] In addition to this, there were barriers in order to keep at a suitable distance those persons present who did not belong to the Council.[3] At times they were also expelled entirely from the place, if the proceedings were to be secret: in general, however, these were public.[4] Near at hand was a number of the police-soldiers, the so-called Scythians or Toxotæ, to give their services in case of need.[5] A full meeting of the whole five hundred probably occurred but seldom, but it is nowhere stated what number constituted a quorum. On the other hand, it was obligatory for at least one of the sections of the Council to assemble in its full number, and that, moreover, according to a certain order of succession among the sections. The whole collective body was thus divided according to the Phylæ, into ten sections of fifty persons, and these served in an order of succession determined at the beginning of the year by lot. The members of the section serving at any time were called Prytanes, *i.e.* Chiefs or Presidents, because they presided in the full sittings of the Council, as also in the popular assemblies. The time of their service was called a Prytany, and lasted in ordinary years thirty-five or thirty-six, in intercalated years thirty-eight or thirty-nine days. The Athenians, it may be explained, had a legal lunar year consisting of twelve months of twenty-nine and thirty days alternately, and therefore of 354 days altogether. This year they kept in accordance with the solar year by periodical intercalations of a thirteenth month of thirty days. The names of the months were Hekatombæon, Metageitnion, Boëdromion, Pyanepsion, Mæmakterion, Poseideon, Gamelion, Anthesterion, Elaphebolion, Munychion, Thargelion, Scirophorion: the intercalary

---

[1] Cf. *Antiq. jur. pub. Gr.* p. 215, 1.; Plut. *Phocion*, c. 32; Böckh, *Urkunde*, p. 171.

[2] *καθεδοῦμαι ἐν τῷ γράμματι*.—Philochorus, quoted in the Schol. on Aristoph. *Plutus*, 973, according to which this was first ordered in the archonship of Glaucippus, B.C. 410.

[3] Aristoph. *Eq.* 647.

[4] *Antiq.* p. 216, note 3.

[5] Aristoph. *Eq.* 671.

month being inserted between Poseideon and Gamelion, and called second Poseideon. The four days that remained over, in the ordinary as well as in the intercalated year, were added by lot to the several Prytanies, so that, as has been said, some served thirty-five or thirty-eight, others thirty-nine.[1] The place in which they assembled was indeed at times also termed the Prytaneum, but was properly called Tholus, and must not be confounded with the more ancient Prytaneum proper. It lay in the neighbourhood of the senate-house, so that the Prytanes could without inconvenience betake themselves from it to the full meetings of the Senate. Before and after these meetings, however, they were present in the Tholus for the whole day, and also took their meals here at a common table, at the public expense. From the number of the Prytanes one director or Epistates was daily chosen by lot, who presided in the meetings both of the Council and of the Assembly, and who had in his custody the key of the citadel and of the public archives, as well as the State seal. The statement of some later authors of slight authority, that ten proedri at a time were chosen from the Prytanes for seven days, and from among them the Epistates, finds no confirmation from more trustworthy sources. We do indeed find, however, that in the later period, some decades after the archonship of Euclides,[2] the Epistates of the Prytanes chose by lot one proedrus out of each of the nine remaining Phylæ or sections of the Council, and therefore nine proedri in all, of whom one served as president in the full sittings of the Council as well as in the Popular Assembly, and was likewise called Epistates, so that the former Epistates had left to him only the presidency among the Prytanes, together with the custody of the above-mentioned key and of the State seal.

The daily order, in any particular case, for the business to be dealt with by the Council was determined by a programme, and if exceptional circumstances were to be dealt with,—such, for instance, as related to embassies or public emissaries, these took precedence of all the rest.[3] If private persons had anything to bring before the Council, they were required to enter into communication beforehand concerning it, and to ask for a hearing: this it was necessary to do in writing.[4] The voting

[1] Cf. *Antiq.* p. 218, 12. Some doubtful points are of too little importance to be mentioned here.

[2] According to Meier, *de Epistat. Ath.* (prefixed to the summer programme of lectures at Halle, 1855, p. v.) this alteration began between Ol. 100. 3 and Ol. 102. 4.

[3] Demosth. *de Fals. Leg.* p. 399, § 185.

[4] *πρόσοδον γράφεσθαι* or *ἀπογράφεσθαι*; cf. Hemsterhuis on Lucian, vol. i. p. 219, Bip.

was effected by show of hands, or, if the Council was acting as a court of justice, by voting pebbles, and therefore secretly; and if a vote was being taken concerning the removal of a member, the voting proceeded by means of olive leaves. Several of the members of the Council served as secretaries. We find, in the first place, one who was appointed for each Prytany by lot from among the Prytanes, and whose duty it was to prepare all the acts passed by the senate, on which account he was customarily named in the decrees, together with the president and the proposer. The name of the secretary of the first Prytany was also, by way of a more complete indication of the year, attached to the name of the archon.[1] A second secretary was elected by the Council on a show of hands, and, without doubt, not for the duration of one Prytany only, but for the whole year. On him seems to have fallen the supervision of the archives of the Council.[2] A third was appointed especially for the transactions in the popular assembly, his duty being to read the documents there requisite.[3] No doubt there were also, besides these, three other subordinate secretaries, who were not members, but merely servants of the Council; but more particular information concerning them cannot be given. Even in reference to the three above mentioned, some alterations may have been made in the course of time, which it seems hardly worth while to trace more particularly. Of great importance, however, was the office of checking-clerk, *ἀντιγραφεύς*, who may to some extent be termed the book-keeper or controller of the Council, and whose duty it was to supervise all the transactions connected with pecuniary matters. He was appointed by election, and in later times by lot, and, as seems not to admit of doubt, invariably from among the members of the Council.[4]

Further, it may be here noted that on the days when the Council was sitting, a signal, probably a flag, was hoisted on the council-house, and when the sitting was about to begin the members were summoned to enter by a herald; the flag was then taken down.[5] Late comers seem to have lost their seat for that day, or, at any rate, their pay. The proceed-

---

[1] Böckh, *P. E. of Athens*, p. 180. Cf. also *Epigr. Chron. Stud.* ii. p. 38 *seq.*, and Köhler, *Hermes*, vol. v. p. 334 *seq.*

[2] Böckh, *P. E.* p. 187.

[3] *Ib.* p. 188. This secretary must not however be considered a member of the assembly, since, according to Pollux, viii. 98, he was chosen by the people.

[4] Böckh, *P. E.* p. 189. Whether the *ἀντιγραφεὺς τῆς διοικήσεως* is really different from the *ἀντιγραφεὺς τῆς βουλῆς*, as is stated by Harpocration, *sub voc.* *ἀντιγραφεύς*, and Pollux, *loc. cit.*, I refrain from considering.

[5] Andoc. *de Myst.* § 36; cf. Schömann, *de Comit.* p. 149 *seq.*

ings did not begin without the offering of a prayer to the gods of the Council:[1] and an altar of Hestia stood in the place of session.[2] Solemn sacrifices were offered upon entrance to office, and on laying it down (*εἰσιτήρια* and *ἐξιτήρια*[3]). Besides these, both at the close of the year and at other times, sacrifices were offered by the Prytanes for the welfare of the State, to Zeus Soter, and to other gods, notice of them being given to the people.[4] That there existed a special treasury of the Council for the cost of such sacrifices, as well as for other expenditure to be undertaken by the Council, has already been previously remarked.[5]

6.—The Popular Assembly.

General assemblies of the people, in which the collective body of citizens themselves directly exercised their sovereign power, were for long in the earlier period not so frequent as they afterwards became. The people was content to know that the most important measures, those which concerned the general interest in its widest and fullest extent, were reserved for its own decision; accordingly, it left matters of more detail to the Council or to the magistrates with all the greater confidence, since it considered that the control of the Areopagus and the responsibility to which all magistrates were subjected, afforded a sufficient security against the misuse of power so delegated. Whether certain fixed assemblies of the people regularly recurring at appointed times were ordained by the legislation of Solon, is unknown. It is however probable that such assemblies may have been held merely for the purpose of electing magistrates, and to some extent for the so-called *ἐπιχειροτονία* or confirmation of the magistrates and the laws, but that as regards other subjects the people were convoked for discussion as often as seemed requisite. In the times about which we have fuller information[6] there was at first a regular assembly in each Prytany, and therefore ten in the year; these were called *κύριαι ἐκκλησίαι*. By degrees the number of these rose to four in each Prytany, which, as being *νόμιμοι ἐκκλησίαι*,

---

[1] *Ζεὺς βουλαῖος*, *Ἀθηνᾶ βουλαία*, Antiphon, *de Choreutis*, § 45.—*Ἑστία βουλαία*, Harpocration, *sub voc. βουλαία*.—*Ἄρτεμις βουλαία*, *C. Inscr.* 112, 8. 113, 15. Cf. *Philologus*, xxiii. p. 216.

[2] Xenoph. *Hell.* ii. 3. 53, with the passages quoted by Schneider.

[3] Suidas, art. *εἰσιτήρια*.

[4] Cf. *de Comit.* p. 305 *seq.*; *C. Inscr.* p. 155.

[5] Böckh, *Pub. Econ. of Athens*, p. 170.

[6] With regard to what follows I need only refer to the treatise *de Comit. Ath.* p. 29 *seq.*

were probably held on days fixed beforehand, though we are not in a position to discover with any certainty which days these were in the individual Prytanies. The name *κυρία ἐκκλησία*, however, remained for a long time confined to the first regular assembly in each Prytany, until later on it was transferred to the three others as well. Extraordinary meetings were called *σύγκλητοι* or *κατάκλητοι ἐκκλησίαι*, and also *κατακλησίαι*, because to them it was necessary to summon the people from the surrounding country by sending round messengers,—a measure unnecessary in the case of the regular assemblies, of which the appointed day was universally known beforehand. We find, however, that for the discussion of particular subjects, the convocation of an extraordinary assembly was sometimes ordered by the people itself.[1] The place of meeting in earlier times is stated to have been in the market; in the historical period the people met there only to vote on proposals of ostracism, at other times assembling in the so-called Pnyx. As regards the position of this latter, a point, which quite recently has become a matter of considerable dispute,[2] the indications given by the ancient authorities appear to settle this much at any rate with certainty, that it was in the neighbourhood of the market, and that of the streets running out of the market one led only into the Pnyx.[3] After the building of the permanent theatre the people assembled there also for the discussion of certain subjects.[4] Later, though not till after the time of Demosthenes, the assemblies in the theatre became more and more frequent, and henceforward the Pnyx was used only for assemblies for the purpose of election, and not always even for those.[5] Extraordinary assemblies were sometimes, for special reasons, also held elsewhere; for instance, in the Piræus, in the theatre there, or in Colonus, a place consecrated to Poseidon, about ten stadia distant from Athens.[6] The convoking of the assembly was the duty of the Prytanes. This consisted, in the case of

---

[1] Æschin. *de Fals. Leg.* pp. 241, 243, 281, and *in Ctes.* pp. 457-8.

[2] The ancients explain the name *παρὰ τὴν τῶν λίθων πυκνότητα*, which they would certainly not have done had not the substructures which made the place level led them to the derivation. With regard to the position of the Pnyx, it may suffice to refer to Curt. *Att. Stud.* i. pp. 23-46.

[3] Cf. Aristoph. *Acharn.* 21-22.

[4] Demosth. *in Mid.* p. 517; Æsch. *de Fals. Leg.* p. 246. The building of the theatre falls in the beginning of the fifth century B.C.

[5] Pollux, viii. 133; Hesych. *sub voc. πνύξ*; Athen. iv. 51, p. 387. In the age of Demosthenes, however, the Pnyx is still the regular place of assembly.

[6] Lys. *in Agorat.* p. 464; Thuc. viii. 67 and 93; Demosth. *de Fals. Leg.* p. 360, § 60.

the regular assemblies, merely in issuing a programme of business five or, according to our method of counting, four days beforehand, announcing the subjects for discussion.[1] For extraordinary assemblies, of course, a special summons was requisite. The right of convoking these was also possessed by the Strategi; that is to say, they had the power of directing the Prytanes to do so, if they had important matter to bring before the people belonging to the sphere of their duties. On the actual day of assembly a flag was hoisted as a signal;[2] at the beginning of the proceedings, however, it was probably removed. Indeed, to compel the punctual entrance of the crowd, which used often to linger too long in the marketplace near the Pnyx, the following measures were resorted to in the time of Aristophanes. A number of the police-soldiers, the so-called toxotæ, under the leadership of one or several Lexiarchi, were sent to the market, and ordered to surround its whole circumference with a rope coloured red, so that only the road leading to the Pnyx remained free, and into this road they thus drove the populace. The Lexiarchi, six in number, with thirty assistants, also stood at the entrance of the place of assembly, partly to guard against the forcible entry of unqualified persons, partly to punish those who came too late. The punishment, however, there is no doubt, consisted only in the non-delivery of the token (*σύμβολον*) which it was necessary to produce in order to receive the payment for attendance; so that even if they actually remained at the assembly they were yet deprived of their pay.[3] In order to be able to turn back persons who had not been summoned, it was necessary for the Lexiarchi to be empowered to demand from every one not personally known to them some kind of authorisation, though in what this consisted we cannot say. But the very name Lexiarchi suggests the conjecture that the so-called Lexiarchic registers were here made use of. These, as we have before seen, were kept for each demé by its demarch, and copies of them must have been in the hands of the Lexiarchi. In these registers, without doubt, every citizen had a certain number, which he knew, and by giving which he was enabled to secure his right of entrance. Any one who received the token and then did not remain for the assembly might apparently be punished for such

---

[1] Cf. *de Comit.* p. 58; compare *ἀπροβούλευτα καὶ ἀπρόγραφα*, of subjects on which no Probouleuma has been drawn up, and which have not been announced in the statement of Agenda.—Hyperid., quoted by Pollux, vi. 144

[2] Suid. *sub voc. σημεῖον.*

[3] This is clear from Aristoph. *Eccl.* 377.

conduct.[1] When the proceedings were about to begin the entrance of the place of meeting was blocked by a kind of barrier, *γέρρα*,[2] and this remained closed until the termination of the business to which it was thought advisable not to admit strangers.

The commencement of the proceedings was marked by a religious function.[3] Sucking-pigs were carried round as a purificatory offering, preceded by a religious functionary, the so-called *περιστίαρχος*, and the place was sprinkled with their blood. Then followed an offering of incense, and a solemn prayer, which was repeated by a herald at the dictation of the officiating secretary. Not till after this did the president make his statement to the people of the questions standing for discussion. The presidency was taken in earlier times by the Epistates of the Prytanes, afterwards by the Epistates of the nine Proedri, of whom mention has been made above. At least it was this functionary who summoned the people to give their votes, and this may perhaps justify us in considering him as president in general.[4] Other magistrates, however, might also make the statement if the question dealt with belonged specially to their department. If a *προβούλευμα* had been drawn up by the Council, it was publicly read, and the preliminary question then put, whether the people agreed with it, or desired to have the matter subjected to further discussion.[5] If the latter was the case, or if the Council had come to no conclusion of its own upon the matter, but had merely stated in the preliminary decree that the question was to be laid before the people,[6] the president made the request that any one who desired to speak on the question should stand forward.[7] In the earlier period this request was first made to the older men, those over fifty, and then to the younger; afterwards, however, this custom was no longer observed. Every citizen might demand the right of speaking, so far as it was not legally forbidden him in conse-

---

[1] So I understand the statement of Pollux, viii. 104, *τοὺς μὴ ἐκκλησιάζοντας ἐζημίουν*. The proposed alteration *τοὺς μὴ ἐξὸν ἐκκλησιάζοντας* is improbable, because this offence was hardly left to the Lexiarchi to punish; its proper place was before the courts.

[2] Harpocr. *s. v. γέρρα*.

[3] *De Comit.* p. 91 G.

[4] The function of *χρηματίζειν* too is expressly attributed to the Prytanes, *e.g.* Æschin. *in Timarch.* p. 48, Dem. *in Mid.* p. 517, 10.

[5] The vote of the people on this preliminary question is called *προχειροτονία*.

[6] An example of the kind may be found in Dem. *de Cor.* p. 285. So too in Aristoph. *Thesm.* 383, the *προβούλευμα* of the women's assembly contains no resolution, but only the statement of the subject.

[7] *De Comit.* p. 103 *seq.*

quence of particular breaches of the law. If, despite this, such a person came forward, there were various means of inflicting punishment upon him, which could be applied not only by the president, but by every citizen. As regards these, however, we must at present content ourselves with referring to the article on the judicial system. In no case, however, where the person was at least old enough to attend the popular assembly did extreme youth afford a reason for exclusion from the right of speaking; and we hear that even mere boys with the first down on their chins, and scarcely twenty years of age, undertook to appear as orators.[1] The person "in possession of the House" mounted the tribune, and put on a wreath of myrtle, as a sign that at present he was performing a public duty: the same sign was worn also by the members of the Council and the magistrates in the performance of their functions. To interrupt the speaker was allowed by law to no one except the president. But no one was permitted to speak on any subject other than that appointed for discussion, or to make more than one speech. The duty of checking departures from the question, of punishing disturbances and breaches of order generally, lay with the presidents. For these offences they might deprive the speaker of his "possession of the House," might remove him, by means of the military police, from the tribune, and even from the assembly; or might even impose a fine to the amount of fifty drachmæ; or, if the breach of order seemed deserving of severer punishment, they might make a motion on the subject in the Council and the next assembly of the people; and if they neglected this duty they made themselves responsible. In the age of Demosthenes it was further found necessary, for the effective carrying out of the proper procedure, to station near the tribune a number of citizens from each Phyle, determined on each occasion by lot.[2] Every one possessing the right to speak had also the right of proposing motions; for the theory that possession of land in Attica and legally valid marriage was also requisite for this is wholly incapable of proof.[3] The motion might be appended as a rider to the Probouleuma, and propose merely an extension or modification in it;[4] but it might also oppose it. Legally, however, a motion could be made only about such

[1] Xen. *Mem.* iii. 6. 1.

[2] Æschin. *in Timarch.* p. 57, *in Ctes.* p. 387. According to Schäfer, *Demosth.* ii. p. 291, it was one of the tribal divisions of the Council.

[3] The statement of Dinarchus, *in Demosth.* § 71, whence this conclusion has been drawn, refers, in my opinion, only to such persons as claimed to be intrusted by the people with special functions, such as those of ambassadors, counsel to the State, and the like.

[4] Cf. *e.g. Corp. Inscr.* nos. 84, 92, 106.

matters as had previously been dealt with in the Council, and formed the subject of a Probouleuma.[1] As regards other matters the motion could consist only in a demand to the Council to discuss these, and draw up a Probouleuma relative to them, which was then to be laid before the public assembly.[2] Every proposal was drawn up in writing, and either brought forward in the assembly already signed by the mover, or first drawn up in the assembly itself. For this purpose he was allowed to avail himself of the aid of the secretary.[3] The latter then gave the motion to the presiding Prytanes or Proedri, who, if there appeared to be no legal obstacle, caused it to be read to the people in order to allow a vote upon it to be taken.[4] It may, however, be assumed with confidence that before the time of Pericles the Areopagus also possessed the right of examining the motion, and, if it found it contrary to law, of checking the voting. In Pericles' time this right was taken from the Areopagus and transferred to the Nomothetæ; after Euclides it seems to have been restored to the Areopagus.[5] As to the exact procedure in this examination—that is, whether unanimity among the examiners on the admissibility or inadmissibility of the vote was requisite, or whether the question was decided by a majority of votes—nothing can be affirmed. So much, however, is certain that the Epistates had the legal right of stopping the voting on his own unsupported authority.[6] But he was of course responsible for any misuse of his right, just as he was also responsible if he had allowed the voting to proceed contrary to law, or to take place twice upon one and the same motion.[7] Any citizen who possessed a vote might raise an objection to the taking of the votes by declaring that he wished to bring the motion, as illegal, under the cognizance of a court of law, by means of the so-called *γραφὴ παρανόμων*. Such a declaration was made on oath, and when made it necessitated the postponement of the voting. On this account this declaration, like every other oath involving postponement, was called *ὑπωμοσία*. The like declaration might, however, still be made if the vote on the motion had already

[1] *De Comit.* p. 98 *seq.*

[2] For a few examples of the kind, cf. *Hermes*, v. pp. 13-15.

[3] Hence the mover of the motion is also called *συγγραφεύς*. Cf. Schömann, *Opusc. Acad.*, iv. p. 172.

[4] This is called *ἐπιψηφίζειν*, even when voting by show of hands followed: the fuller expression, on the contrary, is *ἐπιχειροτονίαν διδόναι*; cf. *Opuscula*, iv. p. 121. So also the term *ἐπιψηφίζειν* is sometimes used when the proper expression would have been *χειροτονία*, and the resolutions are always called *ψηφίσματα*.

[5] See above, pp. 341, 346.

[6] *De Comit.* p. 119.

[7] *Ib.* pp. 120, 128 *seq.*; cf. also Plat. *Apol.* p. 32 B, Xen. *Mem.* i. 1. 14, and the Psephisma relative to Brea, *Ber. d. Ges. d. Wiss.* (Leipzig), vol. v. p. 37.

taken place, and the people had approved it. It had then the effect of suspending the validity of the resolution until the court had given its decision.[1] Finally, the mover himself might withdraw his motion before it was put to the vote, if he had in any way become convinced of its unsuitability during the debate.[2] The form in which the votes were taken was in most cases Cheirotonia, or show of hands: secret voting by ballot took place only when the question was the condemnation or acquittal of a person put on his trial, the remission of a punishment which had been incurred, or of a pecuniary fine payable to the State, the conferring of citizenship on strangers, or finally, the banishment of a citizen by ostracism. Thus, then, the ballot was only used where the personal interests of individuals were concerned. To make the voting in such cases valid a concurrence of at least six thousand votes was requisite.[3] As to the procedure in this mode of voting, we have full information only in the case of ostracism; but we may perhaps assume that in all essentials it was the same in other cases. An enclosure was erected, with ten entrances for the ten Phylæ;[4] into this the voters entered, and each deposited his pebble at the entrance appointed for his Phyle, in the receptacle placed there for the purpose. This proceeding was naturally superintended by certain magistrates appointed for the purpose, and these, after the voting was concluded, counted the votes one by one. The result of the voting, whatever it was, was announced by the Epistates,[5] and a record of the resolution of the people was drawn up, to be deposited in the archives of the State. These were kept in the shrine of the mother of the gods (*ἐν τῷ μητρῴῳ*) in the neighbourhood of the council-chamber. Frequently the resolution was also engraved upon slabs of stone or brass, and posted up in public places. If all the business was at an end, the presiding officer dismissed the people by means of a herald. On other occasions, when it had been impossible to complete the business, he adjourned it to the next or one of the following days. It was necessary to dismiss the people before the completion of the business if the proceedings were interrupted by a so-called *διοσημία*, or sign from heaven, in which category were included, *e.g.* thunderstorms or showers of rain.[6]

[1] *De Comit.* p. 159 *seq.*

[2] Cf. Plut. *Arist.* c. 3.

[3] Cf. Böckh, *Pub. Ec. of Athens*, p. 231, and Schömann, *Const. Hist. of Athens*, p. 86.

[4] Probably such an enclosure is to be understood in Demosth. *in Necær.* p. 1375, where it is the procedure in conferring the citizenship on foreigners that is referred to.

[5] Ἀναγορεύειν τὰς χειροτονίας.—Æsch. *in Ctes.* p. 385.

[6] Schöm. *de Comit.* pp. 147, 148.

It may not be unwelcome to the reader to become acquainted with the official form in which the resolutions were customarily couched. This, it must be admitted, was not always quite the same; but, apart from unessential differences, two constant normal types may be distinguished. One of these, the more ancient, dates from the time when the Epistates of the Prytanes put the question to the people; the other, the later form, belongs to the period when this function was given over to one of the nine Proedri. An example of the former or more ancient form is as follows:—*Ἔδοξεν τῇ βουλῇ καὶ τῷ δήμῳ, Κεκροπὶς ἐπρυτάνευε, Μνησίθεος ἐγραμμάτευε, Εὐπείθης ἐπεστάτει, Καλλίας εἶπεν*: then follows the resolution, in the infinitival construction dependent on *εἶπεν*:—*ἀποδοῦναι τοῖς θεοῖς τὰ χρήματα τὰ ὀφειλόμενα*. At times a more complete specification of the date is also prefixed, *e.g. ἐπὶ τοῦ δεῖνα ἄρχοντος καὶ ἐπὶ τῆς βουλῆς ᾗ πρῶτος ὁ δεῖνα ἐγραμμάτευε*, where the last words indicate the secretary above mentioned of the first Prytany. The later form is this:—*ἐπὶ Νικοδώρου ἄρχοντος, ἐπὶ τῆς Κεκροπίδος ἕκτης πρυτανείας, Γαμηλιῶνος ἐνδεκάτῃ, ἕκτῃ καὶ εἰκοστῇ τῆς πρυτανείας, ἐκκλησία· τῶν προέδρων ἐπεψήφισεν Ἀριστοκράτης Ἀριστοδήμου Οἰναῖος καὶ συμπρόεδροι, Θρασυκλῆς Ναυσιστράτου Θριάσιος εἶπεν*.[1]

With regard to the subjects concerning which the people had the power of deciding in its assemblies, we can only say in general that they were of the most various kind, and that properly they included everything that seemed of sufficient importance with regard to the interest of the commonwealth to be submitted to the sovereign people. Such matters, however, in the time of absolute democracy, were very numerous, and the demagogues found it their interest to extend the activity of the popular assemblies as far as possible, and to establish the principle that the people was, in the most comprehensive sense of the term, lord over everything, and could do what it pleased.[2] On the other hand, men of keener insight complained that the State was administered by Psephismata—that is, according to the pleasure at any moment of the sovereign people—rather than according to the laws, and that there was only too often a contradiction between the laws and these Psephismata.

We find the statement[3] that for each of the four regular

[1] Cf. *Antiq. jur. publ. Græc.* p. 225. Further examples in Franzius, *Elementa Epigraphices Græcæ*, p. 319 *seq.*; Böckh, *Staatsh.* ii. p. 50.

[2] *In Neær.* p. 1375; Xen. *Hellen.* i. 7. 12.

[3] Pollux, viii. 95. His enumeration, however, cannot be regarded as complete. We read, *e.g.* in Harpocration, and in the *Lex. rhet.* attached to the English edition of Photius, p. 672, that the defence of the country (*περὶ*

assemblies of the people in each Prytany, certain classes of subjects were specified. For the first assembly, for instance, there was set apart the so-called *ἐπιχειροτονία*, or confirmation of the functionaries of government, accusations for offences against the State, proclamation of the confiscation of goods, and of the claims to succession that had been announced before the courts: for the second, petitions to the people and motions for remission of sentences: for the third, dealings with foreign States: finally, for the fourth, religious and public matters in general. For the present account, however, it is proper to deal with the subjects of discussion, not in this order, but according to their different kinds. First then must be considered legislation, next the elections of the magistrates and the passing of judgment upon the mode in which they had administered their office: thirdly, the judicial decisions of the assembly and the votes of ostracism; and finally, the other measures of government and administration in foreign and domestic affairs.

The legislative power, according to the mode of procedure which still existed in the time of Demosthenes (though no doubt it was often departed from), was exercised, not, properly speaking, by the popular assembly itself, but, after the question had been previously raised before the people and received its assent, by a legislative commission deputed for the purpose, the so-called Nomothetæ. The procedure was as follows:[1]— In the first popular assembly of the year, the question was put to the people, whether it would permit motions to be made for the alteration and extension of the existing laws or not. As need hardly be shown, this question of necessity gave rise to debates, some recommending, on grounds of utility or necessity, the permission of such motions, others dissuading from them. If the people declared itself in favour of giving the permission, —which was the case almost on every occasion,—nothing further was at once decided, excepting that those whose intention it was to make such motions were henceforward entitled to bring them forward in proper form. For this object it was necessary for them to post their motions, first of all, in the market, by the statues of the ten Eponymi, so that every one might be made aware of them. This done, the nomination of the legislative commission, or Nomothetæ, was dealt with in the third regular assembly. This commission was taken from

---

φυλακῆς τῆς χώρας) was dealt with in the first assembly.

[1] Cf. Schömann, *de Comit.* p. 248 *seq.*; *Const. Hist. of Athens*, p. 56 *seq.*, and *Animadv. de nomothetis Ath.*, Greifswald, 1854; *Opusc. Acad.* i. pp. 247-259.

the number of the Heliastæ of the year, and was accordingly composed of men who had taken the oath, and were over thirty years of age. More detailed statements on the manner of their nomination,—whether it was by lot or by election,—are not given us: we learn only that the people had to decide on the number, on the time for which they should be nominated, —which was on each occasion determined according to the quantity and nature of the legislative motions brought before them,—and from what funds the payment to be made to them should be taken. Before the Nomothetæ were nominated, and until they began their sittings, the motions brought forward—although they were already made accessible to the knowledge of every individual by being posted at the statues of the Eponymi—were also read publicly in every popular assembly, in order that there might be more certainty of their being generally known. Before the Nomothetæ the proceedings were conducted exactly in the manner of a law-suit. The movers, who wished to see old laws repealed, altered, or replaced by new laws, came forward as accusers of these laws: those who wished to see them maintained without change, appeared as their defenders: and that there should be no lack of a proper defence of the existing law, or of resistance of innovations, a number of synegori or public advocates of the existing law were chosen, to whose number, however, others might voluntarily attach themselves. The presidency in the commission of Nomothetæ is stated by a professedly ancient authority to have been taken by the Proedri:[1] a statement which it is difficult to believe, if the term denotes the nine members of the Council who were chosen by lot for every sitting of the Council or Assembly of the People. It is much more probable that the Thesmothetæ presided here, as they did in the hearing of a *γραφὴ παρανόμων*. The number of the Nomothetæ was not always the same, but was fixed according to the number or importance of the laws to be dealt with before them: we find mention of a thousand, or a thousand and one.[2] According to the authority we have mentioned, they, like the popular assembly, voted by show of hands, and not, like the courts of justice, by ballot: but this also deserves no credence. Against a law approved by them, as against the resolutions arrived at by the popular assembly, a *γραφὴ παρανόμων* could be entered, especially, though not perhaps exclusively, in the case when the prescribed form of procedure had

[1] In the speech *in Timocr.* p. 710; cf. also p. 723.

[2] Pollux, viii. 101; Psephisma ap. Demosth. *in Timocr.* p. 708.

not been sufficiently observed.[1] The institution of this procedure is ascribed by the ancients to Solon: a statement which no one will understand to mean that each single particular in its provisions originated with him. These belong in part clearly to a later time: as may be proved, passing over other evidence, merely by the mention of the Eponymi, since these did not yet exist in Solon's time. But for refusing to ascribe the essential part of the institution to Solon there is no rational ground.[2] The essential part, however, consists in the fact that the work of legislation is intrusted not so much to the general assembly of the people, as to a narrower selected body of men of mature age, bound by an oath: nothing more being permitted to the former than the mere decision of the question whether motions relative to legislation should be permitted or not: as also in the fact that the permission to bring forward such motions might be sought, not at any time that the mover chose, but only once in the year, while it was endeavoured in every possible way to secure the greatest publicity for the motions, and the permission to introduce them was not granted without a mature consideration of their merits: finally, in the regulations providing that when the case was actually before the Nomothetæ, the motions which the people had permitted to be introduced should nevertheless be combated on the part of the State, by means of counsel expressly chosen for the purpose; that the existing laws should be protected against innovations; that no existing law should be merely repealed without being replaced by a new law recognised as better; and that no new law should be introduced without the old law in opposition to it being expressly abrogated.[3] All these regulations may safely be looked upon as due to Solon: they testify to the wisdom of the lawgiver, the wisest man of his time, who, foreseeing that alterations of the laws would necessarily come about, provided that they should not be undertaken lightly, nor without the most comprehensive and careful examination, and that they should create neither gaps nor contradictions in the system of legislation. But as, in the course of time, the democracy became stronger and stronger, the sovereign people became less and less inclined to bind itself strictly to these regulations. The abuse crept in of bringing forward legislative motions in the assembly

---

[1] Such is the case to which Demosthenes' speech *in Timocratem* has reference.

[2] Cf. Schöm. *Const. Hist. of Ath.* pp. 58-64. Even if it can be rightly inferred from Plut. *Sol.* 25, that Plutarch knew nothing of this ordinance of Solon, this can hardly be taken as a rational ground for rejecting the statement.

[3] Demosth. *in Lept.* p. 485, and *in Timoc.* p. 711.

no less than any other kind of proposals at any time that was found convenient, and without the regular practice of causing a committee of Nomothetæ chosen from the assembly itself to pass a decision upon them. Accordingly, there arose a vast mass of new laws of all kinds, in correspondence with the interest of the popular leaders of the period. Such confusions and contradictions were thus produced in the system of legislation that it was several times found necessary, for the purpose of restoring order and harmony, to nominate special commissions; who, however, as Demosthenes says,[1] were quite unable to get through their work. The Thesmothetæ, moreover, as the magistrates who were most variously concerned in dealing with the laws, were directed to note the irregularities and contradictions which they perceived in the laws during their tenure of office, and to report to the people thereupon. This they probably did towards the end of their year of office, when the report was publicly posted at the statues of the Eponymi.[2] They might also suggest proposals for amendment, which at the beginning of the next year, in the manner described above, came before the popular assembly, and then, with its consent, before the Nomothetæ to be dealt with by them.

As regards the elections of magistrates, from the time that the majority of posts were filled by lot, only a few took place in the popular assembly. Such were the choice of the commanders-in-chief, of the chief financial magistrate and his controller, and of a few other magistrates who will come under our notice in the next chapter. It is impossible that (as is stated by a minor grammarian) the assemblies for election can have been held so late as the last days of the year; they must of necessity have taken place much earlier,[3] in order that it might be possible for the persons elected to be subjected before entering upon office to the examination which the law provided, and of which the details will also be given below. The presidency of these assemblies is stated to have belonged, in the case of the election of commanders, to the nine Archons;[4] in the case of other elections it was probably held by the Prytanes or Proedri. These, then, had to state to the people the names of the candidates who had either announced themselves, or without such announcement had been put on the list of candidates. It might also be the case that the candidates first announced themselves, or were pro-

[1] *In Leptin. loc. cit.;* cf. Schöm. *de Comit.* p. 269.
[2] Æsch. *in Ctes.* p. 430.
[3] Cf. Köhler, *Monatsber. d. Akad. d. W.* (1866), p. 343, who puts them in the first ecclesia of the ninth Prytany.
[4] Pollux, viii. 87.

posed by others in the assembly.[1] Plato provides in his model State,[2] that in the election of generals, a number of candidates taken from the whole body of men liable to military service shall first of all be proposed by a body whom he calls Nomophylaces; but that every one in the assembly shall have the right to designate another person as better fitted for the post, in the place of one of those thus proposed; and that this declaration, moreover, shall be made upon oath. The division shall then be taken on this proposal, and if the majority of the votes is in favour of the latter candidate, his name shall replace that of the other upon the list of candidates, out of which list finally the requisite number shall be chosen. It is possible that something of the kind also existed in Athens; but it is certain that our sources of information at any rate tell us nothing upon the subject. The election was invariably conducted by show of hands, and not by voting tablets or by ballot. It need hardly be remarked that there was no lack of canvassing, or of means of every kind, lawful or unlawful, of winning votes, in Athens as in every other State where popular election existed. There were strict laws against bribery; the bribers as well as the bribed were subjected to a criminal prosecution, called in the case of the former γραφὴ δεκασμοῦ, in the case of the latter γραφὴ δώρων or δωροδοκίας, and entailing upon those found guilty under it, according to the circumstances of the case, a more or less severe punishment, such as a pecuniary fine, confiscation of property, and sometimes even capital[3] punishment. Any person elected to an office not on his own initiative might refuse it, if he had adequate reasons to bring forward; the truth of these he was bound to confirm by an oath.[4]

Upon the conduct of the magistrates in office a kind of control was exercised, not only by the authorities appointed for that purpose, but also by the people itself. In the first assembly in each Prytany the question was put by the Archons to the people, Whether they were satisfied with the conduct of the magistrates or not?[5] Upon this question any one who had a cause of complaint against a magistrate might bring it forward; this proceeding was termed προβάλλεσθαι or προβολή; and the people, if they considered it sufficiently well founded, suspended the accused person for a time, that his adversary might prosecute him, or it removed him from his office altogether (ἀποχειροτονεῖν). Upon such removal of course

[1] Cf. *de Comit.* p. 328.

[2] Plat. *Legg.* vi. p. 755.

[3] *Att. Proc.* 887 *seq.*

[4] ἐξωμοσία, Pollux, viii. 55; cf. Ast *on Theophr.* 24, p. 211.

[5] Pollux, viii. 95; Harpocr. *sub voc.* κυρία ἐκκλησία; *de Comit.* p. 231.

a further prosecution also might take place. The whole proceeding in the popular assembly was called the Epicheirotonia concerning the functionaries of government.

Complaints against private individuals also were sometimes brought before the popular assembly. These complaints, like those against officials, were also called προβολαί. The object of this proceeding was not to obtain a judicial decision, properly so called, but merely to prompt the people to make the declaration that it regarded the complaints as well founded, and therefore considered the prosecution of the accused person justifiable. This course was usually taken in cases where there was an influential and powerful opponent to be dealt with, in order, as a preliminary, to test the disposition of the people; since, if this declared itself against the opponent, greater hope could be entertained that the judges, who were likewise men of the people, might not be more favourably disposed towards him, but might attach some weight to the previous decision. It is, however, at once self-evident that for the most part only such complaints were brought before the people as were connected, not merely with a personal injury done to the complainant, but with such an injury to his rights as more nearly concerned the general interest. Among such injuries, as individual examples, are mentioned sycophantia, smuggling, and breach of the regulations of the mines.[1] The best known and most interesting example, however, is that of Demosthenes, who, as Choregus of his Phyle, was actually maltreated by Midias in the theatre before the assembly of spectators, and lodged a Probole, not so much on account of the injury done to him personally, as on account of that inflicted upon his office; an injury which was to be regarded as at the same time a breach of the sanctity of the feast and an insult to the assembly engaged in its celebration. A person who wished to bring a Probole before the people must, according to the regular course of proceeding, apply to the Prytanes on the subject, in order that they might bring the matter forward in the popular assembly. Then probably both parties were permitted to speak, in order to explain the accusation to the people, and to combat it, though we need not imagine that evidence was formally adduced. Upon this the people was asked to state its view upon the matter by a show of hands, not by a formal vote. If it declared that the complaint seemed to it to be without sufficient ground, the complainant, there is no doubt, spontaneously desisted from following up the matter

[1] *De Comit.* p. 232 *seq.*; *Att. Proc.* pp. 273-4.

further before the courts, although it certainly cannot be assumed that he was compelled by law to desist. If, however, the people declared itself favourable to the complainant, he was enabled to undertake the prosecution of the matter before the courts with all the greater hope of success; he was, however, in no way bound to do so; nor were the judges bound in any way, if he did so, by this previous judgment of the people, because it was always possible to imagine the possibility of self-deception on the part of this latter. On this account the procedure before the court took precisely its usual course. The suit underwent a preliminary sifting in the regular course by the proper authority, it was then tried before the judges, who, after hearing both parties and the evidence and rebutting evidence brought forward by them, had to pronounce judgment purely according to the view they had now reached. It might accordingly happen that they decided against the previous judgment of the people and freed the person accused, because they found either that the accusation was not sufficiently proved or that the deed did not deserve punishment. Hence it not seldom happened that a complainant, despite the favourable result of the Probole brought before the people, hesitated to expose himself to the uncertainties of a formal trial before the courts, and contented himself with the kind of stigma that was attached to his opponent by the declaration of the people, or even settled the matter with him privately, as Demosthenes is said to have done with Midias.[1]

A certain similarity with the Probole was possessed by the declaration, made in the popular assembly and sometimes even confirmed by an oath,[2] that the person making it desired to institute a criminal prosecution against any one. Such a declaration is termed *ἐπαγγελία*, and was often made in the popular assembly, especially against orators and statesmen, in order to stigmatise them as unworthy of the public confidence, and at least to bring them into discredit. A person who had made such a declaration on oath was naturally bound to fulfil his promise; and if he neglected this duty he might himself be prosecuted and punished as a deceiver of the people. Whether, however, a declaration not made upon oath was similarly binding we are the less able to decide, in that it is unknown to us what effect this declaration had with reference to the persons against whom it was directed. If, indeed, as has been conjectured,[3] it was the case that when threatened by

[1] The complete and detailed confirmation of the above account will be found in the *Philologus*, ii. 593.

[2] Demosth. *in Timoth.* p. 1204.

[3] *Att. Proc.* p. 213.

any one with prosecution for such offences as, if proved, were followed by deprivation of civil rights, he was compelled on account of this threat, as soon as it had found public expression in an *ἐπαγγελία*, to absent himself from the tribune until the affair was done with, it must of course be also assumed that there was an obligation to bring forward the indictment at once without postponement, and to make the decision possible in the shortest space of time practicable. But this conjecture is extremely improbable; it allows the accused person to be robbed of a right, and accordingly to undergo a punishment, before his guilt is proved, upon the mere promise that it shall be proved by and by. The more probable view is this,—that such an Epangelia had no other effect, and at times no other aim, than to make the person accused as far as possible an object of suspicion to the people, and to excite distrust towards him; and that the person who made the declaration, without at the same time binding himself by an oath, took upon himself certainly a moral, but not a legal, obligation actually to institute the criminal prosecution as well. If an *ἐπαγγελία* was undertaken without sufficient ground, and drawn up purely with a libellous intention, its proposer might be summoned by the person who found his position injured by it, to answer an indictment for libel (*δίκη κακηγορίας*).

In the department of judicature the popular assembly acted only in exceptional cases, when indictments or informations were brought before it on account of such breaches of the law as it was, from whatever reason, impracticable to prosecute in the usual and regular course of procedure.[1] Such complaints and indictments it was necessary in the regular course to bring forward first of all before the Council of Five Hundred. They passed from this body to the popular assembly only when the offence was more important and serious than it was within the competency of the Council to deal with: since the right of punishment possessed by this latter did not extend beyond the limit of five hundred drachmæ. The Thesmothetæ also were empowered to lay matters of such a kind as were unsuitable for the regular procedure, before the Council or the popular assembly.[2] The information might be laid either by any one who was himself entitled personally to prosecute the accused, in which case it was called *εἰσαγγελία*, or by any person not possessed of this power (*e.g.* a foreigner, a

[1] *De Comit.* p. 180 *seq.*, and p. 219. Æsch. *in Timarch.* p. 722; *de Comit.* p. 209.

[2] Jul. Pollux, viii. 87; Schol. on

slave, or an accessory), or by a person disinclined to exercise it; in this case it was called *μήνυσις*. In both cases the people either itself undertook the inquiry in such a manner that the prosecution and the defence were carried on in the popular assembly, and this body at last pronounced the judgment, or—and this was the more usual course—the people, after it had, as a preliminary, made itself acquainted with the matter, and had found the *εἰσαγγελία* justified, referred it to a heliastic court, and at the same time specified according to what laws it should be decided and what punishment should fall upon the accused person if he was found guilty. Besides this, however, it nominated a number of public advocates, *συνήγοροι*, whose duty it was either themselves to bring the suit before the court in the name of the people, or, if the informer was also prosecutor, to give him their support. More frequently it happened that the people, in consequence of offences which had come to its knowledge, either nominated special commissioners (*ζητηταί*) in order to carry on more adequate investigations regarding them, or commissioned the Areopagus or the Council of Five Hundred to undertake this inquiry. The persons so commissioned had as their immediate duty only to discover the guilty parties; the further judicial proceedings against them then took place after a previous indictment in the public assembly, in the manner to be determined by that assembly, except where the eventual determination of it had already been previously settled. If the inquiry was committed to the Council, this body was sometimes also empowered to pass a decision.[1]

Among the modes of judicial decision we may, though only very loosely, rank ostracism. As to its essential character and importance there is no need to repeat what has been said concerning it in an earlier division of the work.[2] That its introduction into Athens is due to Clisthenes has already been remarked. The procedure was as follows:—Every year, in the sixth or seventh Prytany,[3] the question was put to the people whether it desired ostracism to be put in force or not. Hereupon of course orators came forward to support or oppose the proposal. The former they could only do by designating particular persons as sources of impending danger to freedom, or of confusion and injury to the commonwealth; in opposition to them, on the other side, the

[1] *De Comit.* pp. 221, 224.

[2] See above, p. 181 *seq.*

[3] The sixth Prytany is named by the Lexicon appended to the English edition of Photius, p. 672, 12, on the authority of Aristotle, and moreover the *κυρία ἐκκλησία*. In contrast to this, p. 675 of the same work, and Schol. Aristoph. *Eq.* 852, following Philochorus, say only *πρὸ τῆς ἡ πρυτανείας*.

persons thus designated, and any one besides who desired it, were of course free to deny the danger, and to show that the anxiety was unfounded. If the people decided in favour of putting the ostracism in force, a day was appointed on which it was to take place. On this day the people assembled at the market, where an enclosure was erected with ten different entrances, and accordingly, it is probable, the same number of divisions for the several Phylæ. Every citizen entitled to a vote wrote the name of the person he desired to have banished from the state upon a potsherd (*ὄστρακον*). This he did entirely on his own judgment, without being confined to certain particular persons named beforehand. At one of the ten entrances the potsherds were put into the hands of the magistrates posted there, the Prytanes and the nine Archons, and when the voting was completed were counted one by one. The man whose name was found written on at least six thousand potsherds[1] was obliged to leave the country within ten days at latest, this interval being granted him for the purpose of setting his affairs in order. It may perhaps have happened that the people itself was surprised by the result of the voting. When on one occasion Nicias and Alcibiades were threatened by the danger that one of them might be banished, they combined with one another with the object of causing each of their numerous supporters to write on his potsherd the name of a third person, a certain Hyperbolus, a man of evil report but of subordinate position, of whom no one had previously thought. Accordingly more than six thousand potsherds with this name appeared, and the lot which both the former had staved off from themselves fell upon Hyperbolus. To him it was in some degree an undeserved honour; to the people, however, and to the institution of ostracism it was a shame and scandal, and in consequence of it ostracism was entirely disused thenceforward, since it was clearly seen how easily its object might be eluded.[2] And even before this the futility of attempts at ostracism were almost as frequent as the misuse of the institution. It need hardly be mentioned, however, that while it still subsisted a number of years frequently passed in which it was not put into exercise, for only rarely and exceptionally was there any occasion for it. That, nevertheless, a question on the subject was annually put to the people at an appointed time we have no reason to doubt. Ostracism had no evil consequences to

[1] Schömann, *Const. Hist. of Athens*, p. 85.

[2] Plut. *Nic.* c. 11; Alcib. c. 13; Diod. xi. 87; cf. above, p. 183, where also what might serve to counterbalance this is spoken of.

its subject beyond his having to leave the country for some years; his property remained intact, and if he returned after the lapse of the appointed period he again entered upon all his rights. The time of the banishment was at first ten years; later it was reduced to half this period. Frequently, moreover, permission to return was granted to the banished person, even after a shorter time, by a resolution of the people, for which a motion for the purpose was naturally requisite. Such a motion however could only be brought forward after permission to do so had been previously sought and granted, precisely as was the case with all such motions as were to be brought before the people relative to the remission of any punishment assigned by a court of law, whether banishment or deprivation of civil rights, or pecuniary fine, or for the remission of debts to the public treasury. And if leave to bring forward such a motion was granted, it was nevertheless requisite that in the assembly of the people, in which it was afterwards actually proposed and put to the vote, six thousand votes should decide in its favour.[1]

Of the vast multitude of subjects still remaining on which the public assembly as supreme authority had to decide, we shall mention only the most important. In the next place, therefore, come the relations with foreign States, declarations of war, conclusion of peace, of alliances, and other treaties. If a war was resolved upon,[2] the preparations requisite were discussed in the popular assembly; the strength of the army was determined, the number of citizens, of metics, sometimes also of slaves, and foreign mercenaries, whom it was necessary to call out, as well as the number of ships to be equipped; the generals were designated, and the requisite supplies of money assigned. As regards the conduct of the war, the generals sent in a report to the people, and requested that reinforcements, or instructions,[3] might be given them. The measures requisite for home defence are said to have been regularly discussed in the first assembly of each Prytany,[4] and the extent to which the arrangements made by the people with regard to the fleet extended into details is clear from the fact that a report was actually made, and a resolution passed, concerning certain ships which had become unfit for service.[5] Similarly all proceedings having

---

[1] Demosth. *in Timocr.* p. 715; *in Neær.* p. 1375; cf. *Const. Hist. of Athens*, p. 86.

[2] The law ἐν τρισὶν ἡμέραις περὶ πολέμου βουλεύεσθαι νόμος ἐκέλευεν, Hermog. *ap. Walz.* iii. 48, cf. iv. 707, only belongs to the schools of rhetoric.

[3] *De Comit.* p. 282.

[4] See above, p. 387; cf. Böckh, *Staatsh.* i. p. 398, and *Urkund.* p. 467.

[5] Cf. the *Inscr.* quoted in Böckh, *Urkund.* p. 403.

reference to the subject of foreign policy, even those relating merely to details, were drawn by the popular assembly into its sphere. This body it was that nominated the members of embassies, that communicated to them their instructions, and assigned them travelling expenses; while the ambassadors, on their return, made their report, after they had first laid it before the Council, before the assembled people. Similarly, the embassies of foreign States were heard as a preliminary indeed before the Council, but afterwards before the public assembly, and the answer to be given them was there discussed and resolved upon; nay, even the traditional courtesies that were paid them, a place of honour in the theatre, and entertainment at the Prytaneum, were the subject of a resolution of the people. That, similarly, the right of decision upon the conditions on which peace was to be made with enemies, and upon every kind of treaty with foreign States, rested only with the assembly of the people, needs no proof. The persons whose duty it was to swear allegiance to these treaties in its name, and to receive in their turn the oaths of the other contracting State, were also nominated by the people.[1] In time of war, again, the authorisation for privateering against the enemy's ships was given by the people, and even a kind of prize court, if a dispute arose whether a ship had been properly or improperly captured, was held in the popular assembly.[2] If a hostile State had been conquered and compelled to submit, it was the people who decided what course should be taken with it. Similarly the people determined the proportion of the contributions to be paid by the subject allies, and although the apportionment of the tribute in detail was the business not of the people, but of the commissions appointed by it, yet their ordinances, without doubt, required confirmation by the popular assembly, and only there could proposals of the allies be heard for a reduction or remission of tribute.[3] As upon this measure of finance, so upon all others, the final decision rested with the popular assembly. It may be assumed that a statement concerning the regular receipts and expenditure of the State was annually drawn up by the principal financial functionaries, and laid before the council and the popular assembly for its approval. But in order to keep the people permanently acquainted with the condition of its finances, a regulation existed that in each Prytany the checking-clerk or controller of the administration should prepare and lay before these bodies a summary of the receipts,

[1] *De Comit.* pp. 282-284.
[2] Demosth. *in Timocr.* p. 703, § 12.
[3] *De Comit.* p. 285.

and, as we may perhaps add, of the expenditure.[1] Extraordinary expenses, which were not already entered in the statement, could naturally only be sanctioned by the people. Such expenses for instance were those for carrying on war, or for public works; and we find that concerning the last head, the people itself sometimes caused a report to be laid before it by the persons who had carried them out.[2] If the supplies of money were inadequate, it was necessary to report to the people concerning the measures for supplying the deficiency, and the decision lay with the people. To this class belong first loans from the temple funds, of which there are frequent instances, and the question of their repayment is dealt with in a resolution still extant;[3] secondly, the levying of extraordinary taxes (εἰσφοραί), such as often occurred in time of war, and the demand for voluntary contributions (ἐπιδόσεις), of which we shall have to speak at greater length in a subsequent section. Once, in the latter years of the Peloponnesian war, that source of revenue was adopted which consists in debasing the coinage. The debased money was partly of gold mixed with copper, partly copper coins worth less than their nominal value, and for this reason they were soon recalled and withdrawn from circulation.[4] That these and similar measures could only be taken by the people requires no proof. But all other regulations that had to do with the monetary system, with the circulating medium, and weight of the coins, were subject to its approval. The case was the same with laws relating to customs-duties, with prohibitions of import and export and the like. Here it must, moreover, be remembered that the Council was invariably the authority which undertook the previous preparation and deliberation, while its proposals might be accepted or rejected by the people, or, no doubt, if any speaker made any other proposal, might undergo essential modification.

The sovereign power of the people also extended itself to the system of religion and of worship.[5] For no decision might be arrived at relative to the introduction of new worships or to new feasts, whether in general or in a special case, by any authority other than the assembly itself, or by the committee of Nomothetæ commissioned by it in the manner described above. For without doubt, the majority of the subjects indicated belong rather to the department of legislation than to

[1] Æsch. *in Ctes.* p. 417.

[2] Val. Max. viii. 12, extrn. 2; cf. Cic. *de Or.* i. 14, Plut. *Præcepta reipub. gerendæ*, c. 5.

[3] Böckh, *Staatsh.* ii. p. 50.

[4] *P. E. of Ath.* pp. 592, 593.

[5] Schömann, *de Comit.* p. 297 *seq.*

that of a resolution of the people; but we know how in the case of legislation participation was permitted to the people, and how often what belonged to one department was nevertheless drawn into the other. Besides this, several magistrates charged with the duty of superintending worship were elected by the people; particulars concerning these will be found later. At the solemn interment of those who had fallen in war the people nominated both the speakers whose duty it was to pronounce the funeral oration, and also the number of relatives of the fallen who were charged with the duty of attending to the funeral feast,[1] for which it also of course provided the funds. Finally, we may mention the conferring of honours and rewards which the popular assembly assigned either to citizens or to foreigners who had been of service on behalf of the State. Such rewards were entertainment in the Prytaneum, civic crowns and decrees of honour, statues, exemption from liturgies, admission in the case of foreigners to citizenship or isotelia, and more of the same kind, of which a detailed statement in this place is neither necessary nor possible.

7.—The Functionaries of Government.

To a State of the size and in the position of Athens, a numerous official body was indispensable, to attend to the varied ramifications of its administration. But besides this, it follows from the nature of democracy that the number of offices will be increased beyond the indispensable minimum, partly that a proportionately larger number of citizens may be able to attain to those offices, partly that the power residing in each office may become more limited by its subdivision amongst several holders. Our present account must rest satisfied with considering only the most important offices, especially since it is concerning them alone that any adequate information can be gained from our authorities. A large number of less important posts, of which scattered notices are found, but with regard to which only conjectures are possible, will conveniently be either passed over entirely, or at least only briefly touched upon. We must, however, begin with some general remarks upon the Athenian official system in general, and in the first place, on the difference sometimes mentioned between the officials as executive functionaries in the strict sense of the word (ἄρχοντες), as conductors of public business, or commissioners (ἐπιμεληταί),

[1] Dem. *de Cor.* § 288.

and as subordinates or servants (*ὑπηρέται*).[1] The term "executive functionaries" is properly applicable to such members of government as are intrusted with a particular branch of public business for independent administration, of course within the limits set by the laws and subject to a responsibility towards the sovereign power, and who therefore are entitled, within the sphere of their functions, to impose commands upon private individuals, to punish disobedience, to decide disputes; or, in cases in which they themselves are unable or unwilling to decide, to provide for the formation of a court, in which they sit as presidents. The term "commissioners" is applicable to such magistrates as are only nominated for the carrying out of some single item of business, whether extraordinary, *e.g.* public works, or regularly recurrent at fixed times, such as attention to certain festal celebrations, and who therefore, to this end, are similarly provided with an independent power, limited only by the laws or by whatever instructions they may have received. Whether they possessed a right to impose commands, to inflict punishments, to decide in disputes, or to preside over a court, must of course have depended upon the nature of the business with which they were charged. In Athens, we are told, all commissioners, the duration of whose commission exceeded thirty days, were entitled, wherever the case required, to cause a court to be formed, and to assume the presidency in it.[2] This, however, could only apply to those disputes which arose within the sphere of their own functions, and in these they were probably entitled to give a decision, without being bound, unless the parties were not satisfied with it, to bring the matter before a court, over which in these cases they presided. Finally, the term "subordinates" belongs to those officials whose duty consists in merely carrying out the orders of some authority under which they are placed as assistants and servants, without the liberty of undertaking any independent administration. But the common usages of speech distinguished as inadequately at Athens as elsewhere between the different expressions corresponding with the conceptions we have stated. We see, on the contrary, that *ἀρχή* and *ἄρχειν* are not unfrequently used even of such public functions as lie entirely outside the proper conception of administration; *e.g.* the functions of the courts of justice, or even those which are classed as menial services, *e.g.* those of the clerks and heralds,[3] so that while this distinction of titles

[1] Cf. *de Comit.* p. 307 *seq.*; *Antiquitates*, p. 235 *seq.*

[2] Æschines, *in Ctes.* p. 400 *seq.*

[3] Arist. *Pol.* iv. 12. 2, 3; Aristoph.

may be laid down as a matter of theory, in practice it is devoid of significance, and cannot help us to infer with certainty whether an official really belonged to the one or to the other division. As an established distinction, however, between official functionaries and assistants, we may state that only the latter were paid for their work, while the former served without pay, as was also for the most part the case with the "commissioners," though not without exception, since some who are to be ranked in this class—for instance the counsel for the State—received a fee for their trouble.[1] In general, however, this task, as well as the high offices of State, was regarded as a patriotic duty, for the fulfilment of which the honour attached to it formed a sufficient remuneration. But in other respects there can be no doubt that the public offices and state commissions could be made to afford sufficient opportunity to provide for private interests without actual breach of the law and consequent liability to punishment.[2]

That a very great number of offices at Athens were filled by lot, and that the first introduction of the lot is probably to be attributed to Clisthenes, we have already remarked. After its introduction the magistrates fall into two classes—those appointed by lot, and those chosen by vote; the latter again being divided into those who are elected in the general assembly of the people, and those who are elected, under a commission from that assembly, in the meetings of the separate Phylæ. To this latter class belong especially the commissioners who were charged with the supervision of public works. The appointment by lot of all or nearly all the officials was under the superintendence of the Thesmothetæ, and took place in the temple of Theseus.[3] The mode of procedure was as follows:—Two casks were set up; in one of these was placed a number of white and coloured beans, in the other the small tablets with the names of the candidates; for that only candidates, and not other persons at pleasure, were subjected to the lot is matter of certainty.[4] Then a tablet and a bean were drawn out simultaneously, and the candidate whose name came out along with a white bean received the office, while the others were not counted. The elections in the general assembly of the people have been already spoken of in the previous chapter, and it

---

Vespæ, 585, 617; cf. Hudtwalcker, *von den Diæteten*, p. 32, and *Antiq.* p. 235.

[1] Böckh, *Pub. Ec. of Athens*, p. 239.

[2] Cf. Isocrates, *Areopag.* c. 9, § 24, 25.

[3] Æschines, *in Ctes.* p. 399; cf. *Antiquitates*, p. 237, note 9.

[4] It is clear from Lysias, *in Andocid.* § 4; *in Philon.* § 35, and Isocrates, *de mut.* § 150.

was there stated that they were effected by show of hands, and not by voting tablets. The same mode of election accordingly was also adopted in the assemblies of the Phylæ, when they were charged by the people with the nomination of a magistrate. The persons elected were called indifferently *χειροτονητοί* and *αἱρετοί*, though the last expression, according to Æschines,[1] seems to have been in use principally for those elected in the Phylæ.

All magistrates, whether elected by cheirotonia or by lot, were compelled, before entering upon their office, to subject themselves to a *δοκιμασία*, or scrutiny into their fitness for the post. It might therefore easily happen that on failure to stand the test of this scrutiny they were compelled to withdraw. In the case of election by lot, such withdrawal was provided for previously, a supplementary person being chosen for each office;[2] if, however, a man who had been elected by cheirotonia was rejected in the scrutiny, it was necessary to proceed to a subsequent election. In the scrutiny, moreover, investigation was made not into the special kinds of knowledge and capacity that were requisite to the performance of the office, but merely into the genuineness of the Athenian descent, and the blamelessness of the career of the examinee. For those posts, for which some special qualification, not to be presupposed in the case of every good citizen, was thought requisite, were filled by cheirotonia, it being assumed that the people would choose no one of whose capacity it was not sufficiently persuaded. That in reality this was not always the case, and that in Athens, as elsewhere, there was no lack of means to turn aside the popular choice to unworthy and improper candidates, needs no demonstration.[3] In such cases, however, the Dokimasia might serve to correct bad selections; nor is it to be doubted that the *γραφὴ δεκασμοῦ* might be instituted on the ground of bribery of the electors.[4] Apart from all this there is no lack of examples to show that men of whose worth the people was persuaded were elected by it to offices for which they had not personally canvassed at all.[5] Such men might of course decline the honour, but their refusal

---

[1] Æschines, *in Ctes.* p. 398 *seq.* On the other side, Schömann, *Const. Hist. of Athens*, p. 80 (Bosanquet's trans.).

[2] Harpocration, *sub voc. ἐπιλαχών.*

[3] See *de Comitiis*, p. 326, and *Antiquitates*, p. 230, where also the expressions *σπουδάρχης* or *σπουδαρχίας*, *ἀρχαιρεσιάζειν*, *παραγγέλλειν*, are dealt with.

[4] In general, the *γραφὴ δεκασμοῦ* is mentioned only in connection with the bribery of the courts, but there can be no doubt that it was also applicable to bribery of the assembly.

[5] Plutarch, *Phocion*, c. 8.

required to be supported by valid reasons, and these it was necessary to confirm upon oath.[1] With regard to the other magistracies, those filled by lot, the sovereign people was always ready to credit any one from among its number who resolved to become a candidate for them with the requisite capacity at any rate; and the mistakes it actually made in so doing were probably less than would at first sight seem likely. For, with the publicity of the whole administration and the general participation in it, some knowledge of and skill in public business was naturally much more generally diffused in Athens than was possible in monarchical or oligarchical States; while with the strict control over the conduct of the magistrates while in office, and the risk that each man ran of being called to account either during the period of his tenure by the Epicheirotonia, previously spoken of, or after its expiration, at the euthyne, no man would lightly undertake to become a candidate for an office for the proper performance of the functions of which he was conscious of being unfitted. Moreover, for posts that implied any considerable dealings with money matters, there is no doubt that only men from the highest property class could come forward as candidates, their property serving as a pledge to the State for the faithful performance of their duties. Finally, it was no doubt in the power of all magistrates to provide themselves with efficient assistants, whose knowledge and experience might stand them in stead whenever they were in need of it. On this account accordingly the examination was limited to the two points indicated above, genuine Attic descent, and blamelessness of life. The nine Archons, for instance, although they had principally to do with the administration of the law, were not examined regarding their knowledge of law. The questions put to them, according to a statement of Julius Pollux,[2] which probably has its source in Aristotle, ran as follows:—Whether they were of genuine Attic descent on their fathers' and mothers' side, and in the third degree; to which deme they belonged; whether they worshipped Apollo Patrous and Zeus Herceus; whether they had fulfilled their filial duties towards their parents; whether they had performed the military service the law required; whether they possessed the requisite property; and, as we may add, whether they had made the contributions demanded from it.[3] Similar questions

---

[1] Ἐξωμοσία. *de Comitiis*, p. 329.

[2] viii. 85. Pollux says Θεσμοθετῶν ἀνάκρισις, as this name often denotes all the nine Archons.

[3] Εἰ τὰ τέλη τελεῖ. Dinarch. *in Arist.* § 17; Böckh, *Staatsh.* i. p. 660.

were also to be put to the other officials, and in some cases even inquiries of a still more specific kind. The Strategi, for instance, were asked whether they were living in lawful wedlock and owned landed property in Attica.[1] On the other hand, the demand regarding genuine citizen descent in the third degree became obsolete in the case of many functionaries, and in later times even in the case of the nine Archons, when even the sons of new citizens were enabled to attain to office.[2] Similarly, after Aristides had made the office of Archon, and most of the other offices, accessible to citizens of all classes, the question regarding the possession of property probably continued to be put only in the case of some few functionaries connected with finance. With regard to this law, however, we desire to remark, that although, legally, even the Thetes were eligible for magistracies, in fact, they were rarely elected, and, for obvious reasons, seldom even attended the ballot. It was, moreover, censured as undue assumption for a poor man to become a candidate for posts which, according to traditional usage, were only filled by persons of the wealthier classes.[3] That a minimum age of at least thirty years was requisite for the offices of government is never indeed expressly stated; but the analogy of the age required by law for the Heliastæ and Bouleutæ leaves no reasonable doubt on the matter;[4] even though, in the case of such magistracies as were filled by Cheirotonia, the people refused to bind itself to the observance of such a provision, and at times showed its wisdom by such a refusal.[5] Among other conditions required by law, we may mention in particular[6] that no one could hold an office who was in debt to the State, or who had still to render account with regard to an office which he had formerly held. Again, it was not permissible to hold two offices at once, or the same one repeatedly, although exceptions to these two provisions were probably of frequent occurrence, the Strategia especially being constantly held more than once by the same person. Finally, eligibility to an office was forfeited by gross offences; as, for instance, if a man had failed to perform his filial duties

---

[1] Dinarch. *in Demosth.* p. 51, § 71.

[2] *In Neœram*, pp. 1376, 1380. We have previously noticed (p. 365) that these also worshipped Zeus Herceus and Apollo Patrous. They could not indeed call themselves γεννῆται of those gods, as the old citizens could (Dem. *in Eubulid.* p. 1319), but could call themselves ὀργεῶνες with reference to them.

[3] Isæus, *Or.* 7, § 39; cf. *Antiq. jur. publ. Gr.* p. 238, note 4.

[4] *Att. Proc.* p. 204.

[5] Justin. vi. 5, of Iphicrates, who, it is stated, was elected general as early as his twentieth year.

[6] *Antiq. jur. publ. Gr.* p. 239, notes 12-15.

[7] Plut. *Pericl.* c. 16; *Phoc.* c. 8, 19. Cf. Bergk, *d. reliqu. com. Att.* p. 13.

towards his parents, if he had prostituted himself to unnatural lust, had squandered his property, had incurred the charge of cowardice in war, had thrown away his shield, and the like; while, moreover, a political behaviour indicating sentiments unfavourable to the established constitution was frequently made a ground of exclusion.[1] Bodily deformities were a disqualification at least for those offices which, like the archonship, were associated with religious functions.[2]

The method of procedure in the Dokimasia, at least in that of the nine Archons, was as follows.[3] In the meeting of the Council of Five Hundred the questions prescribed by law were put to the magistrates elect. To these they were required to furnish answers, supporting them by whatever proofs might be requisite. Meanwhile it was in the power of each member of the council to raise objections against the answers, or upon other grounds to move the rejection of the persons under examination, and apparently the Bouleutic oath expressly pledged a member who had reasons of importance to bring forward against the fitness of a person under examination, not to keep silence about them. As, moreover, these examinations were public, it is not to be doubted that every other citizen present at them, no less than the members of the council, possessed the right of raising objections. If the council decided that these objections were well grounded, it rejected the person under scrutiny, who might, however, appeal from this verdict to the decision of a court of justice, where the matter was then decided afresh, under the presidency of the Thesmothetæ, and entirely in the form of an ordinary lawsuit. But even when the council had decided in favour of the person under examination, his opponents, as a matter of course, had it in their power, if they held this decision to be unjustifiable, to have recourse to further legal proceedings. This is termed *δοκιμασίαν ἐπαγγέλλειν*.[4] In the case of magistrates other than the nine archons, no mention is made of a scrutiny before the council, and it is possible that their examination was undertaken by some other authority, as, *e.g.* a heliastic court. In other respects the procedure must have been the same. The custom, however, of subjecting the nine archons to examination before the council probably dates from the time when they themselves still possessed seats and votes in that body,—a matter upon which we have previously

[1] Lysias, *in Agor.* § 10.
[2] *Id.*, *pro invalido*, § 13.
[3] *Att. Proc.* p. 203.
[4] Pollux, viii. 44. That such *ἐπαγγελία* could by no means take place solely in the assembly is self-evident, and has been already remarked.—Schöm. *de Com.* p. 242, 37.

stated our conjecture.[1] A person who was rejected in the Dokimasia, besides losing his office, might also incur other punishments, duly adjusted to the grounds of his rejection.

Just as an examination was required before entrance upon office, so all without exception were bound, before laying it down, to render account of its management.[2] Those officials who had held public moneys were compelled to lodge a specific account of them, with the requisite documents, before the supreme superintending board (λόγον καὶ εὐθύνας ἐγγράφειν or ἀποφέρειν). This board was that of the Logistæ, consisting in earlier times of thirty persons,[3] but afterwards reduced to ten; by its side, however, there stood another board, the Euthyni, likewise consisting of ten persons, with twenty assessors or assistants. The assessors were probably nominated and chosen by the Euthyni; while the Euthyni themselves, as also the Logistæ, were appointed at first by Cheirotonia and afterwards by lot, one from each Phyle. There were also assigned to them ten Synegori or State-counsel, similarly appointed by lot, whose functions we shall learn presently. The account had first to be lodged with the Logistæ as the principal authority; these gave it over for revision to the Euthyni, whose duty it was to examine the individual items, to summon, when necessary, those from whom the account was due, and compel them to substantiate their statements and vouchers; and, in short, to provide themselves with all explanations necessary for forming a judgment. If they found everything correct, they returned the account, with a declaration to this effect, to the Logistæ, who then granted the requisite discharge. In the contrary case, they pointed out to the Logistæ the errors they had found, to be dealt with further by these latter, who then brought the matter before a court of justice, in which they themselves presided, while the Synegori above mentioned came forward as prosecutors in the name of the State, and the whole proceeding took place before them in regular legal form. Such magistrates as had not been concerned with any pecuniary administration merely made a declaration before the Logistæ that they had neither received nor expended anything.[4] To furnish annual reports on other matters in connection with the conduct of an office was, so far as we can judge, not usual. These functionaries, however, were not, any more than the other magistrates,

---

[1] Cf. pp. 325 and 330.
[2] Cf. *Att. Proc.* p. 216 *seq.*
[3] Böckh, *Pub. Ec. of Ath.* p. 190, and *Staatsh.* ii. 52 and 583.
[4] Schöm. *Antiquitates jur. pub. Gr.* p. 240, and Böckh, *Pub. Ec. of Athens,* p. 191.

exempted from responsibility for their proceedings during their tenure of office. On the contrary, it was the duty of the Logistæ, within thirty days after the expiration of their office, to make a public request that any person who had a complaint to bring forward against any of the outgoing officials should communicate with them. These officials therefore during this time were necessarily in constant expectation of an accuser, and if an accuser appeared, a procedure in legal form was instituted by the Logistæ, and the matter finally laid before a heliastic court, in which they presided. We have previously seen that besides this, a complaint could be raised against every magistrate during his term of office, by means of the Probole, on the occasion of the Epicheirotonia which took place in each Prytany. Besides this, however, we hear of certain accounts which it was necessary to hand in in each Prytany:[1] a statement no doubt to be taken as referring, not to all magistrates without exception, but only to those who had public money in their hands. To whom *this* account was to be given is not stated: it may, however, probably have been to the official checking-clerk or controller, whose duty it was, we know, to prepare and submit in each Prytany a summary of the receipts and expenditure, and who could only be put in a position to do so by the notices which reached him from those magistrates who actually administered the money. There can be no doubt—though we find nothing on the point in our authorities—that if he found any discrepancy whatever in these, he might apply to the magistrate for explanation, and cause a fuller inquiry.

The outgoing magistrates were forbidden by the law, before depositing their account, to withdraw from the country, to alienate any of their property in any way, to make testamentary dispositions of it, or to pass by adoption into another family. Nor, until this duty was performed, might any reward be assigned them on the part of the State, or any other office committed into their hands.[2]

The permanent authorities had each their own proper place of business (*ἀρχεῖον*), in which they transacted their affairs. These boards—and the majority of the public functionaries were associated in the form of boards—naturally divided the business among themselves, in so far as this could not be administered in common: but, where they acted as a body, one member stood at their head, as Prytanis.[3] The

[1] Lysias, *in Nicom.* p. 842; cf. Schömann, *Opusc. Acad.* i. p. 293 *seq.*

[2] Æschines, *in Ctes.* p. 413 *seq.*

[3] Cf. *Att. Proc.* p. 120.

practice of calling in experts as assistants and coadjutors was probably not forbidden to any authority, while to some it was expressly allowed or prescribed by law.[1] Where this was the case, the assistants also possessed some official character of their own, and were subjected to a Dokimasia, and then bound to give an account; whilst the assistance rendered by the first remained merely a private matter between them and the magistrates. Many, if not all, magistrates, and the assistants and subordinate officials associated with them, had their meals at the public expense, some in the Prytaneum, some in their offices.[2] Of insignia of office we hear nothing, with the exception of the wreath of myrtle worn by the functionaries of government when acting officially,[3] as well as by the members of the Council in the exercise of their functions, and by the orators in the public assembly, when they occupied the tribune. Only the second archon, or Basileus, seems to have possessed a special official dress: at least a certain garment (*κρητικὸν*) and a kind of shoes (*βασιλίδες*) are mentioned as being peculiar to him.[4] An oath to be taken at the commencement of an office is, it is true, expressly mentioned only in the case of the nine archons and the strategi;[5] but we can hardly take this as a reason for doubting that the rest of the higher functionaries took a similar oath. In all probability, moreover, they did not enter upon their office without a religious function, a so-called entrance-sacrifice (*εἰσιτήρια*), since we find that even those to whom some diplomatic mission was intrusted were usually bound to offer such a sacrifice.[6]

That the functionaries of government did not find it an easy matter to maintain their authority in the face of the public may easily be conceived, when we consider the character of the Athenian people and the democratic spirit of the constitution, and we are moreover expressly assured of the fact.[7] That subordination to superiors, which is usually brought into prominence as a prominent trait of the Spartans, was foreign to the citizens of Athens; and even though the magistrates had

---

[1] Harpocr. *sub voc.* *πάρεδρος*; Pollux, viii. 92; cf. Böckh, *Staatsh.* i. pp. 246, 268, 271.

[2] Demosth. *de Fals. Leg.* p. 400; Plutarch, *Symposiac.* vii. 9, p. 382, Tauchn.; cf. Meier, *de vita Lycurg.* p. xcix.

[3] *Antig. jur. pub. Græc.* p. 242, note 9; cf. Von Leutsch, *Philol.* i. p. 477.

[4] Pollux, vii. 77. 85.

[5] *Ib.* viii. 86; Plato, *Phædrus*, p. 235 D; Lys. *pro vet.* p. 331; Plut. *Pericl.* c. 30; Dinarch. *in Philocl.* § 2.

[6] Dem. *de Fals. Leg.* p. 400, 24; cf. *Lexicon Seguerianum*, p. 187, 22. To this the *ἀπαρχαί* of the magistrates may have reference.—Meier, *Comm. Epigr.* i. p. 39.

[7] In the letter of Nicias, Thuc. vii. 14; cf. Xen. *Mem.* iii. 5. 16; *Œcon.* c. 21, 4.

the right to impose punishments on the disobedient, yet the man who felt himself unduly pressed by such punishments was free to appeal to a court of justice.[1] It may, however, have been only in rare cases, and when suffering from manifest injustice, that this step was resolved upon. For, looking to the sensible and law-abiding disposition of the majority—a disposition which, despite some examples of the contrary, we must nevertheless recognise in general—the Heliastæ were, it is certain, constantly inclined to support the dignity of the authorities rather than to weaken it. Indeed, insults offered to the officers of the government while in performance of their functions, though they might consist merely in verbal abuse, were visited by law with Atimia.[2]

After these general remarks, we now turn to the consideration of the individual magistrates. The first place among these we give to the archons, since their office, so far as we can judge, was not only the most ancient, but in earlier times the most important of all. After Aristotle's time, indeed, they might be elected from all the property classes; but it seems that the Phylæ were brought into connection with the election in such a manner that, in accordance with the order annually determined by lot, one of the nine archons was elected from each of the first nine Phylæ, and therefore none, on that occasion, from the tenth.[3] The chief of the board was called Archon *par excellence*, and sometimes, in later authors, also Archon Eponymus,[4] because his name served to indicate the civil year: the second, Basileus, because it was to him specially that the sacerdotal functions of the monarchy had passed: the third, Polemarchus, because he was specially charged with the care of the military system: the remaining six, Thesmothetæ. This latter name, however, is sometimes also applied to the whole board,[5] and not improperly so; for it designates them as those whose duty it is, through their decisions, to establish the law, and consequently belongs properly to all judicial functionaries, who, through their judgment, declared the state of the law in each of the cases submitted for their decisions. Declaring the law, however, was clearly, even in the very earliest times, the most prominent function of the nine archons, even though it was by

---

[1] *Antiquitates jur. publ. Gr.* p. 242, notes 5 and 7.

[2] Demosth. *in Mid.* p. 524; cf. *Att. Proc.* p. 483.

[3] H. Sauppe (*de creatione archontum*, Göttingen, 1864) suspects with reason that this arrangement, which can be proved to have existed in the time of the twelve Phylæ, existed also in the earlier period.

[4] Cf. e.g. *Corp. Inscr.* nos. 281. 11, 358. 11.

[5] Böckh, *Corp. Inscr.* p. 440; *Philologische Blätter*, i. p. 102.

no means their sole duty. For, according to Thucydides, it fell to their lot to deal with the greater part of public business as early as the affair of Cylon: and it was only by degrees, especially after the office had become accessible to all persons, without distinction of property, that their participation in the supreme conduct of the commonwealth came to an end, and that they were limited to judicial functions and to some other matters of less importance. Even in these functions however their power had been diminished by Solon, through the permission of an appeal from their decisions to a heliastic court, nothing of the kind having previously existed.[1] In consequence of this it gradually came to pass that the Archons little by little withdrew from giving an independent decision in lawsuits, and, when suits were brought before them, referred the matter either to arbiters (diætetæ), or even to a heliastic court, retaining however in the latter case the right of drawing up the indictment and of presiding in the court. The judicial power of the Archon[2] had reference principally to all such disputes among the citizens as had to do with family law and the law of inheritance, while that of the king (the archon Basileus) comprised religious law in its whole extent, including the so-called *δίκαι φονικαὶ*, or suits concerning murder and certain allied crimes, in so far as these, according to ancient traditionary ordinances, were to be judged by the Areopagus and the Ephetæ, though exceptions to this rule occurred in later times. The Polemarch possessed jurisdiction over foreigners, and that not merely in all matters connected with the legal relations of members of the family and with the law of inheritance, but in all matters whatever affecting their legal position. Finally, the six Thesmothetæ were the competent authority in all other matters of every kind, in so far as they did not trench upon the special sphere of administration belonging to some particular magistrate; for, as we have previously remarked, all administrative functionaries, besides the archons, possessed a certain judicial power, with which indeed many branches of administration—as, for instance, the police—could not conveniently dispense. The places in which the archons exercised their judicial power were, with the exception of that appointed for the Polemarch, without doubt all situated in the market. That of the first archon was by the statues of

---

[1] Plut. *Sol.* c. 18; Suidas, *sub voc.* *ἄρχων*; *Lexicon Seguerianum*, p. 449; cf. *Constitutional History of Athens*, p. 42 *seq.*

[2] On all the following it is enough to refer generally to Pollux, viii. 86-91, and to *Att. Proc.* p. 41 *seq.*

the ten Eponymi; that of the archon Basileus beside the so-called Bucolium, a building, not otherwise known, in the neighbourhood of the Prytaneum, or also in the so-called Hall of the King; that of the Thesmothetæ in the building called after them Thesmothesium, in which maintenance was also provided at the expense of the State for them and the subordinate officials associated with them, and perhaps also for the whole board of the nine archons as well.[1] The Polemarch had his office outside the walls, but quite close to the city, beside the Lyceum, a shrine consecrated to Apollo, and frequently mentioned on account of the gymnasium existing there. Before the time of Solon, as we are assured by evidence which it must be admitted is exceedingly apocryphal in character,[2] the nine archons were not permitted to sit in judgment all together. They were, however, equally precluded from doing this in the times better known to us, and the statement must therefore be based upon some kind of misapprehension. The right of collective action in certain matters was certainly not forbidden them before the time of Solon; such action, on the contrary, took place more frequently than in later times, when only a few instances of it can be substantiated. As matters that came before the board collectively the following are mentioned:— They were to inflict the punishment of death on all banished persons who should be found in places which they had been forbidden to visit; a statement which we are unwilling to reject as incorrect, though no indisputable example of it occurs.[3] Secondly, they had to attend jointly to the annual ballot for the judges, *i.e.* for those who were appointed to serve during the year as Heliastæ, and, similarly, to the choice of the Athlothetæ, or judges of the contests for the Panathenaic festival. Again, it was their duty to attend to the Epicheirotonia, previously spoken of in the first assembly of each Prytany, and to put the requisite questions to the people; and in the assemblies for the election of the Strategi, Taxiarchi, Hipparchi, and Phylarchi, to direct the business of election. For all such business, however, it is clear that no collegiate deliberation in the proper sense of the term was requisite, but only a simple understanding with regard to the division of the labours among the individual members. Besides all this, they are said to have possessed jointly the power of pronouncing judgment, and the presidency of the court, in certain legal proceedings, especially in the suits against those magistrates who had been

[1] Cf. Plut. *Symp.* vii. 9.

[2] Suid. *sub voc.* ἀρχων; *Lexicon Seguerianum*, p. 449; cf. Diog. Laert. i. 58.

[3] Cf. *Att. Proc.* pp. 41, 63.

suspended or deposed in the Epicheirotonia; though here we must admit that it is difficult to say how we are to conceive this joint possession, whether we are to imagine that all the nine took part in it, or, as is more probable, that now one and now another member of the board took charge of the work, as was required by the circumstances of each case or the nature of the particular matter. Of the ritual functions which the three chief Archons had to perform we shall have to speak more in detail in another place. Here it is sufficient to remark that the first Archon was charged with the care of the celebration of the Dionysia (*i.e.* the city or great Dionysia) and of the Thargelia, in conjunction with the Epimeletæ appointed for the purpose, and that with this duty was joined the right of judicial decision in the lawsuits connected with this festival. The Basileus was charged with the care of the celebration of the Lenean mysteries, and of all gymnastic contests, as likewise with the power of giving legal decisions in suits relating to them. To the Polemarch belonged the superintendence of the sacrifices of Artemis Agrotera, and of Enyalius, of the sacrifice to the manes of Harmodius and Aristogiton, and of the public funeral ceremony performed over those slain in war. At the time of the first Persian war he still shared the leadership of the army with the ten generals, sat with them in the council of war, and had the command of the right wing in battle; circumstances which may serve to support the conjecture stated above, that, speaking generally, the limitation of the Archons to a narrower circle of business, instead of the more extended activity they had possessed in earlier times, first crept in little by little after the time of Solon, and for the most part probably after the law of Aristides.

The three superior Archons were each supported in the transaction of their business by three assessors, whom they associated with themselves at their own choice, but who like themselves were subjected to a Dokimasia, and compelled to give an account at the expiration of their year of office, while they could also be deposed during its course. The Thesmothetæ had not such assessors, and their availing themselves of the advice and assistance of others was purely a private matter, and for everything that ensued they alone were responsible. In their oath of office the Archons promised faithfully to observe the laws and to be incorruptible, and in the case of transgression to consecrate a golden statue of the same size as themselves at Delphi, at Olympia, and in Athens.[1] By this however we are

[1] Plato, *Phædrus*, p. 235 D; Plutarch, *Solon*, c. 25; Pollux, viii. 86; Suidas, *sub voc.* χρυσῆ εἰκών.

hardly to imagine a gilded statue, as some have thought; it is rather an ancient formula used to denote an impossible penalty, the non-rendering of which of necessity entailed Atimia.[1] After the expiration of their year of office the Archons, when they had delivered their account and proved themselves free of blame, became members of the Council of Areopagus.

A second authority specially connected with the administration of justice was the Board of Eleven. It consisted properly only of ten persons, who were appointed by lot,[2] but the secretary was counted as an eleventh member. He, though not really a member of the board, seems nevertheless to have taken a very essential part in the business, and had without doubt one or more sub-secretaries under him. The Eleven had, in the second place, the prison under their supervision; for this reason those persons who were intended to be kept in custody were given over to them, and they, through their subordinates, attended to the execution of sentences of death, which were carried out, as a rule, not openly, but in the prison.[3] Hence, when it is said of any magistrates that they delivered criminals to the executioner, we must, it is certain, invariably understand that the criminal was accounted for to the Eleven, and that this board charged the executioner under their orders with the carrying out of the sentence. Besides this, they had a power of pronouncing sentence upon such criminals as were legally liable to imprisonment or to capital punishment[4] in cases where these criminals were taken in the act. If these pleaded guilty, so that no further inquiry was requisite, they at once passed sentence; in the contrary case they instituted a judicial procedure, in which it was their duty to draw up the indictment, and to preside. With them, further, were lodged the informations against such persons as were charged with having detained and secreted any portion of confiscated property; and in this case also it was their duty to draw up the indictment and preside over the court. That we are not to take this, as some have thought, as referring solely to the property of persons condemned to death, is proved by an ancient authority,

[1] We may be reminded by this of the Spartan's answer to the question regarding the punishment of the adulterer in Sparta; that he must give a bull which, looking over the Taÿgetus from the remote side, drank of the Eurotas.—Plut. *Lyc.* c. 15. Another somewhat far-fetched explanation is given by Bergk, *N. Rhein. Museum*, xiii. p. 448.

[2] Pollux, viii. 102. Cf. *Antiq. jur. publ. Gr.* p. 245, 2.

[3] Or the prisons; for there may have been several in Athens. Cf. *Att. Proc* § 73; Ullrich, *üb. die Eilfmänner*, p. 231.

[4] Such criminals are specially termed κακοῦργοι.—*Att. Proc.* p. 228, 3.

as is also the fact that the members of the board held inventories of the confiscated property, and that the clerk noted and struck out of these inventories the portions delivered up.[1]

Next may follow the police officials, of whom we must first mention the Astynomi, ten in number, corresponding with the number of the Phylæ, and appointed by lot, five for the city and five for the Piræus.[2] They were charged with all that belongs to street supervision, *e.g.* the cleansing of the streets, for which purpose the Coprologi, or street-sweepers, were under their orders; the securing of morality and decent behaviour in the streets, for which reason those persons who serve to minister to the gratification of the public—such as musicians of both sexes, mountebanks, and the like—were particularly subjected to their supervision; and, in general, everything offensive and unlawful which showed itself there was censured and punished by them. Finally, we must regard the supervision of buildings as a part of their functions, since the opinion that the Areopagus was charged with the duty of dealing with this matter, and, for instance, with preventing the streets being made too narrow, or otherwise encroached on by the buildings, has been proved to be erroneous.[3] That they also had the power of deciding in lawsuits which fell within their province scarcely needs special notice. For the construction of the streets, however—that is, both for the paving of the streets in the city and for the construction of roads outside it—there was a special and, as it seems, a permanent authority, the ὁδοποιοί. Concerning these, however, we find nothing stated beyond the fact that in the age of Demosthenes their function was on one occasion transferred to another authority, the superintendents of the Theoricon, of whom we shall speak presently.[4] Of the overseers of aqueducts, in like manner, scarcely more is known to us than the fact of their existence. Considering the scarcity of fresh water in Athens, aqueducts and reservoirs were a very real necessity,[5] and their superintendence an office of some importance, which was once filled by Themistocles himself. He, it is stated, inflicted punishment upon many persons who had illegally withdrawn the water from the public aqueducts and diverted it to their own plots of ground; and out of the fines so inflicted he erected, as a sacred offering, an ivory figure two ells high, of a maiden carrying water.[6] The laws

[1] Böckh, *Urkund.* p. 535.

[2] Harpocr. *sub voc.* ἀστυνόμοι. Cf. Böckh, *Pub. Ec. of Ath.* p. 203; *Att. Proc.* p. 94 *seq.*; *Antiq.* p. 246 *seq.*

[3] Cf. Schneidewin on Heraclides Pont. p. 42.

[4] Æschines, *in Ctes.* p. 419.

[5] Cf. Leake, *Topog. of Athens*, p. 524.

[6] Plutarch, *Themistocles*, c. 31.

of Solon ordered that no one should draw water from a public spring more than four stadia distant from his house; if, however, there was no public spring within this distance, he was to dig for water on his own plot of land; should he find none, he was to be entitled to fetch water from his neighbour's spring, though not more than six Choæ twice a day.[1] We may assume that the duty of attending to this law, and the right of decision in disputes relative to its observance, were within the competency of the authority we have mentioned. The κρηνοφύλακες or κρήναρχοι elsewhere mentioned were probably only subordinate officials.[2] To deal with the police supervision of the market, ten Agoranomi, likewise chosen by lot, were appointed—five for the city, five for the Piræus.[3] Retail trade was under their special supervision. Any one engaging in it was obliged to register his name with them; and if he was not a citizen, it was to them that he had to pay the fee required by the law for permission to engage in it. They exercised supervision over the quality of the wares, took away spoilt goods and destroyed them, tested measures and weights, and either settled disputes between buyers and sellers summarily, and without assistance, or, if a formal procedure by indictment was requisite, they presided in the court. To attend to the correctness of weights and measures, however, there was another body, a sort of gauging office, under the name of Metronomi; of these also there seem to have been five in the city and five in the Piræus.[4] Mention is also made of Prometretæ (corn-measurers), who measured the wheat and other kinds of grain brought to market, receiving a salary for so doing. They were probably sworn subordinates of the Metronomi, provided with gauged measures; and were made use of for the sake of greater security. The trade in corn, however, which was of peculiar importance for Attica, was under the supervision of the Sitophylaces,[5] whose number was probably ten in the city and five in the Piræus. To these officials it was obligatory to furnish a statement of all corn imported; and, to check the practice of engrossing and forestalling, it was their duty to see that meal and bread were sold by fair weight and according to the fixed tariff. Finally, for the supervision of maritime trade, there were the officers of the mercantile community, ἐπιμεληταὶ τοῦ ἐμπορίου—ten magistrates elected by lot, whose duty it was to watch over the observance of the

[1] Plutarch, *Solon*, c. 23.

[2] Photius and Hesychius, *sub voc.*; cf. Böckh, *Pub. Ec. of Ath.* p. 203.

[3] Harpocr. *sub voc.*; *Att. Proc.* p. 91; *Antiquitates*, p. 247.

[4] Böckh, *Pub. Ec. of Ath.* p. 48.

[5] *Ib.* p. 83.

existing laws relative to the customs-duties and trade, and to visit transgressions of them with punishment. For this reason indictments and complaints relating to this subject were brought before them, to be then inquired into, and, when necessary, referred to the court in which they presided.[1]

Among the magistrates who belonged to the administration of the finances we shall first mention the Poletæ, ten in number, and who no doubt, like the other boards of the same number, were elected one from each Phyle, and by lot. They were charged by the Council with the leasing of the public revenues, and their performance of this duty was under the supervision of that body. It was their duty to attend to the sale of the so-called *δημιόπρατα, i.e.* the confiscated goods, as well as to that of persons condemned to be sold into slavery as a punishment: while their president, or Prytanis, was charged with the duty of finding such security as might be requisite.[2] They also had the power of decision in suits against those resident aliens who were summoned for non-payment of their protection-dues.[3] Next follow the Practores, whose number is uncertain, but who were certainly chosen by lot. Their duty was to collect and deliver up the fines imposed by magistrates or courts of justice, and to this end those persons who were condemned to suffer this punishment were indicated to them and registered, the names being erased after the payment had been made.[4] For a similar purpose, viz., to obtain and exact arrears of payment, whether from individuals or from the cities of the tributary allies, extraordinary commissions were sometimes nominated, under the name of *ζητηταί, ἐπιγραφεῖς, συλλογεῖς* and *ἐκλογεῖς*.[5] A controlling authority, for the due receipt of all moneys raised by these and other officials, existed in the so-called Apodectæ (general receivers), ten in number, and also appointed by lot.[6] They had to keep registers of all the revenues of the State, from its various sources of income: they received, in the presence of the Council, the moneys paid in, erased in the register the items which had been paid, and made over the moneys to the

[1] *Att. Proc.* p. 86 *seq.* An inscription, later than Ol. 123, *C. I.* no. 124, also mentions an *ἐπιμελητὴς ἐπὶ τὸν λίμενα*. Whether he was distinct from those *τοῦ ἐμπορίου* is not clear. Cf. Meier, *Comm. Epigr.* p. 51.

[2] Pollux, viii. 99.

[3] Böckh, *Pub. Econ. of Athens*, p. 155; Meier, *de bonis damnatorum*, p. 41.

[4] *Att. Proc.* p. 98.

[5] Böckh, *Pub. Ec. of Athens*, p. 156; *Staatsh.* ii. p. 127 *seq.* The so-called *πορισταί* also were probably only commissioners appointed on special occasions, and charged with the duty of finding means of raising money; cf. Böckh, *P. E. of Ath.* p. 166.

[6] *Ib.* p. 158.

treasury to which they belonged. The institution of these Apodectæ is ascribed to Clisthenes, before whose time, we are told, the Colacretæ performed a similar function as general receivers. The Colacretæ, indeed, still existed after the time of Clisthenes, though, so far as can be ascertained,[1] they retained nothing but the administration of the fund from which were defrayed the expenses of the public messes in the Prytaneum, as well as perhaps those in the Tholus and in other places where the officers of government were entertained at the public cost, and which also furnished the payments to the Heliastæ; while into it was paid the revenue arising from court-fees, as well as probably from other sources. The office of treasurer of the goddess may also be regarded as a creation of the time of Clisthenes; its duties having in earlier times apparently been likewise intrusted to the Colacretæ.[2] It entailed the supervision, not merely of the treasure of Athene, but also of the State-treasure, which was kept, together with the former, in the back-chamber of the Parthenon, and as it were placed under the protection of the goddess.[3] The treasurers of the goddess formed a board of ten persons, one from each Phyle, but taken only from the highest of the property classes, and appointed by lot every year. Besides these, there existed from the time of the eighty-sixth Olympiad (B.C. 435), a board of treasurers of the other gods, likewise consisting of five persons[4] elected by lot from the highest property class; for it had been found desirable to have the administration of the various temple-treasures no longer conducted, as it had previously been, in the separate temples by special treasurers, but to intrust their combined management to one single authority, situated on the Acropolis, and also in the back-chamber of the Parthenon. The arrangement which combined the administration of the treasure of Athene and that of the other gods in the hands of the same board was only of short duration. Completely distinct from these treasurers is the administrator of State revenues, or superintendent of the finances (ἐπιμελητὴς or ταμίας τῆς κοινῆς προσόδου, ὁ ἐπὶ τῇ διοικήσει),[5] who was not chosen, as the other treasurers were, by lot, but by Cheirotonia, and whose term of office was not a

[1] Böckh, *Pub. Ec. of Athens*, p. 174.

[2] Thus perhaps we may explain what Pollux says (viii. 97) of the ταμίαι τῆς θεοῦ: ἐκαλοῦντο δ' οὗτοι κωλακρέται, rather an inaccurate expression it must be admitted.

[3] Böckh, *Pub. Ec. of Ath.* p. 161 *seq.*

[4] As regards the time and their number, see Kirchhoff, *Abhandlungen der Berliner Akademie der Wissenschaft*, 1864, p. 5 *seq.*

[5] Böckh, p. 164; cf. Meier, *de vit. Lycurg.* p. x.

year, but a Pentaëteris, or period of four years. He had the administration of the principal treasury, into which were paid all moneys received by the Apodectæ, and destined to be paid out for the purposes of the administration. These were distributed by him to the funds of the separate offices of government,[1] or to the commissioners for their official expenditure; such payments were then taken in charge and accounted for by the several treasurers who had the charge of each of these funds. Similarly, he furnished from the principal treasury the payments granted by the people for extraordinary expenditure; and it was of course his duty to keep a full account of all the receipts and expenditure, whether ordinary or extraordinary, belonging to the principal treasury. Besides this, however, he seems to have exercised a general supervision over all those who had to receive or pay out public moneys, and to have been the only one, amongst all the officials connected with finance, who possessed complete supervision over the income and expenditure. He was hence in a position to give the fullest information in all financial matters, and to draw up the budget for the whole administration; so that he may be regarded as a sort of financial minister of the Athenian State. As a check on him, however, there was the so-called controller of the administration, who, as we have seen above, compiled, in every Prytany, a summary of the income and expenditure, and who therefore may have also exercised a certain control over the whole body of officials[2] who had anything to do with the administration of the finances. In the age of Demosthenes, this control, and a multitude of other functions besides, were transferred to the superintendent of the Theoric fund, of whom it will be more suitable to speak in the next chapter. Here it is sufficient to remark that this transfer was only temporary.[3] Mention is also made of a paymaster-general of the army (*ταμίας τῶν στρατιωτικῶν*) who may have been appointed only in time of actual war.[4]

It is remarkable that we find no mention in our authorities of any body of functionaries whose duty it was to attend to the monetary system. Only the name of the mint is given us (*τὸ ἀργυροκοπεῖον*),[5] and it seems that this was located at the shrine of a hero mentioned under the name of *Στεφανηφόρος*,[6]

[1] Böckh, *Seeurkunde*, pp. 54, 58, 169; *Antiq. jur. publ. Græc.* p. 250, note 13.

[2] See p. 408.

[3] Æschines, *in Ctes.* p. 416.

[4] Böckh, *Pub. Ec. of Athens*, p. 180; Meier, *com. Epigr.* p. 61.

[5] Harpocration, *sub voc.;* Schol. on Aristoph. *Vesp.* 1042 (1001).

[6] According to Beulé and Kumanudes, *Philistor*, i. p. 52, this is Theseus.

as the mint at Rome was at the temple of Juno Moneta. In this shrine were also kept the model measures and weights, which served as the standard for those used in commerce, the supervision of which belonged to the Metronomi, previously mentioned.[1] It is therefore not improbable that it was the duty of these functionaries to attend to the coinage.[2] The workers in the mint were public slaves.[3]

We now turn to the officials of the military system. Among these in earlier times the Polemarch, the third in the board of the nine Archons, had been the chief. In later times he retained only non-military and judicial functions, and the sole direction of the military system belonged to the board of the ten Strategi.[4] These were elected annually by Cheirotonia, whether one from each Phyle, or from all without distinction, is disputed, though the former is most probable.[5] In the earlier times they were all, as their title denotes, leaders of the army in war; as late as the first Persian war they held the supreme command in daily rotation, and jointly held councils of war, in which, as has been remarked, the Polemarch took part, the command of the right wing in the battle also belonging to him. In later times, however, not only did this cease, but the Strategi were rarely all sent out together to the war; but, on the contrary, usually some of them only were sent, two or three, or as many as seemed desirable on each occasion. The ordinary practice was that either one of these held the supreme command, or that all were equal, or that one carried on the war in one place and one in another. It not seldom happened, moreover, that tried warriors, who did not belong to the board of the ten Strategi at all, were chosen as an extraordinary measure for the command of an army, and that this appointment was made not for the exact period of a year, but for an indefinite time. Later on, too, when the Athenians had their wars carried on to a great extent by foreign mercenaries, they also frequently took foreign generals, the leaders of such bodies of mercenaries, into their service.[6] But even in earlier times it was sometimes the case

---

Curtius, *Monatsbericht d. Berliner Akademie der Wissensch.* 1869, p. 468, suggests that the mint was originally worked by the temples, especially that of Aphrodite Urania, and was not taken over by the State till afterwards.

[1] Böckh, *Staatsh.* ii. p. 362; cf. *N. Rhein. Mus.* xxi. p. 370 *seq.*

[2] Also to attend to the *νόμισμα*, a term which applies both to the coinage and to the lawful measures; cf. *e.g.* Aristoph. *Thesm.* 351.

[3] Andoc. ap. Schol. Aristoph. *Vesp.* 1001 (1042).

[4] Cf. *Att. Proc.* p. 105 *seq.*

[5] Plut. *Cim.* c. 8. With regard to the statement of Pollux, which differs from this, cf. *Antiq.* p. 251, 1; Böckh, *Corp. Inscr.* pp. 294 and 906.

[6] Cf. *Antiq. juris publici Gr.* p. 252, note 5.

that the leadership of an army consisting of Athenian troops and of contingents from the allies was intrusted to foreigners; that is to say, to such men belonging to allied States as possessed the especial confidence of the Athenians.[1] At the time of Demosthenes only one of the board, as a rule, was sent into the field; the remainder stayed at home, and, as the orator says, had little else to do than parade at festal processions.[2] Meanwhile however there were also many functions for them to perform at home, partly of a military, partly of an administrative and judicial nature; for instance, the occupation of some place as a protection against attacks from the enemy, attention to the war-taxes and the trierarchy,[3] and the other matters connected with warlike preparations, such as the levying of men, and judicial functions in all legal proceedings having reference to the war-taxes and trierarchy, as well as in all military offences not already punished by the general himself in the field, *e.g.* avoidance of military service (*γραφὴ ἀστρατείας*), cowardice (*γραφὴ δειλιας*), desertion of the post assigned (*γραφὴ λιποταξίου*), desertion from a ship, or from the fleet, before a sea-fight (*γραφὴ λιποναυτίου* and *ἀναυμαχίου*), and the like.[4] The official residence of the board was termed the Strategium, and they messed there together at the public expense. In matters within the sphere of their functions they also had the right of summoning the popular assembly, *i.e.* no doubt, of directing the Prytanes to summon it, and at the time when Pericles was at the head of the state they seemed to have possessed the right, at least when enemies were in the country, of determining whether assemblies of the people should be held at all or not.[5] Moreover, the office of Strategus, on account of the great influence it insured to its occupants, especially with reference to the services required from the citizens in respect both of their persons and of their property, invariably ranked as the most important of all those for which the most eminent men became candidates.[6] It has been previously remarked that by law no one could attain to it who was not

---

[1] Plato, *Ion*, p. 541; Athenæus, vi. p. 506; Ælian, *V. H.* xiv. 5.

[2] Demosth. *Philipp.* i. p. 47.

[3] Cf. *Antiq. jur. publ. Gr.* p. 252, 7. With regard to the passage there quoted, Xen. *Hell.* i. 7. 2, it must however be remarked that *τῆς διωβελίας* is now more correctly read instead of *τῆς Δεκελείας*. As regards the *στρ. ἐπὶ τῆς διοικήσεως*, as mentioned in the apocryphal decrees in Dem. *de Cor.* §38 and 115, cf. Meier, *vit. Lycurg.* p. xi.; Schäfer, *Demosth.* ii. p. 47.

[4] See *Att. Proc.* p. 107 *seq.*

[5] Thuc. ii. 22; Schöm. *de Comit.* p. 61 *seq.*

[6] Cf. Aristoph. *Plut.* v. 192; *Pac.* 446; Æsch. *in Timarch.* 54, and the complaints of Eupolis, in Stobæus, *Floril.* 43. 9, and Athen. x. p. 425, that nevertheless unfit and inferior men so often reached the office.

married in lawful wedlock, and did not possess landed property in Attica. By the last provision, it is clear, the Thetes were excluded.

Some assistance to the generals in their military, administrative, and judicial functions was furnished by the ten Taxiarchi, *i.e.* the commanders of the ten τάξεις or battalions into which the army was divided in correspondence with the number of Phylæ. These also were elected by cheirotonia, one from each Phyle.[1] In war they were sometimes, at any rate, summoned to the council of war, and this was apparently the case not merely with those belonging to the Athenian citizen army, but also with those of the allied contingent.[2] At home however it was one of their special duties to attend to the raising and distribution of the men destined for the army. A basis for this was formed, especially for the troops of the line, by the register (ὁ κατάλογος) of those persons who were liable to serve in each Phyle and each Deme. The preparation of this register belonged to these officials, and to the Demarchs, in conjunction with some commissioners nominated by the Council, while the register itself was posted up for the information of every one at the statues of the ten Eponymi.[3] According to the laws of Solon it was only the citizens of the three higher classes who were bound to serve in the line or as hoplites, the Thetes being exempt from this obligation, and only summoned in exceptional cases, for which reason they were termed ἔξω τοῦ καταλόγου. In later times, however, when prolonged and important wars had to be carried on, this exception occurred with tolerable frequency, and the Thetes now fought not only as light-armed troops, but also as hoplites, especially in the fleet as marines, and in such cases it was of course necessary that they should be provided by the State with the requisite equipment and remuneration. The seamen also consisted to a great extent of citizens belonging to this class, although non-citizens also, such as metœci or hired foreigners, were also taken.[4] In the case of the regular levy, according to the catalogus or muster-roll, the first step was to determine, by a resolution of the popular assembly, which of the classes into which the citizens were distributed according to age should be called out on each occasion, the expression for this being, up to what year ἀφ' ἥβης.[5] Each of these classes was collected together in the

[1] Pollux, viii. 87; Dem. *Philipp.* i. p. 47.

[2] Thuc. vii. 60.

[3] Pollux, viii. 115; Aristoph. *Pac.* 1171, 1179 Inv.; cf. also *Antiq.* p. 254, 24.

[4] Cf. *Ant. jur. publ. Gr.* 253, 12-16, and Thuc. i. 121.

[5] Demosthenes, *Olynth.* iii. p. 29.

muster-roll or catalogus under the name of the Archon Eponymus under whom its members had reached the age of military service, and hence the various terms of service in war to which a man was summoned in the ordinary course of his obligation, according to the catalogus, are also designed as *στρατεῖαι ἐν τοῖς ἐπωνύμοις*.[1] These classes were forty-two in number, the ages ranging from the eighteenth to the sixtieth year. The two first classes, from the eighteenth to the twentieth year, were as a rule only under an obligation to serve within the country, as *περίπολοι*, and it was not till the twentieth year that the obligation to serve outside of the country commenced. It need hardly be explained, however, that it was not always necessary to call out the whole body of men belonging to those classes which were at any time summoned by resolution of the assembly, but only so many as were required by the particular occasion. This being so, a certain rotation of course took place amongst those liable to service,[2] though we are not in a position to make any statement with regard to the rule followed in such cases. Perhaps, however, this is referred to by the expression *τὰ μέρη*, which may denote the divisions of each class which on each occasion were under an obligation to serve or entitled to exemption. At times, however, when circumstances required it, as many as were necessary were summoned, even from that body which properly was entitled to exemption, from all the divisions without reference to the Eponymi or to the classes. On this account such extraordinary services are opposed, as *στρατεῖαι ἐν τοῖς μέρεσι*, to the *στρατεῖαι ἐν τοῖς ἐπωνύμοις*.[3] This probably happened only when occasional extraordinary expeditions were to be undertaken, for which it was undesirable or impossible to use the men who had been raised in the usual manner and embodied in the army proper. Exemption from military service was enjoyed—puting aside those persons who were incapacitated by bodily defects—by the members of the Council,[4] and, as we may assume, without express testimony, by those functionaries of government whose presence at their posts was indispensable—by the farmers of the revenue that they might not be kept from attending to their business,[5] and by those who had to come forward as choreutæ on the occasion of feasts. These latter, however, if they belonged to the number of those

[1] Harpocration, *sub voc.* *ἐπώνυμοι* and *στρατεῖαι ἐν τοῖς ἐπωνύμοις*.

[2] *ἐκ διαδοχῆς* is the term used by Æschines, *de Fals. Leg.* p. 331; cf. Schäfer, *Demosth.* i. 212, 2.

[3] Æschines, *l. c.* The statement in the text is, I must admit, only conjecture, but at least is not improbable nevertheless.

[4] Lycurgus, *in Leocr.* p. 164.

[5] *In Necer.* p. 1353.

who were bound to serve on that particular occasion, seem to have required a special exemption.[1] A similar exemption was also probably required by those who traded by sea, although for the most part they no doubt usually obtained it without difficulty.[2] A general summons of all who were capable of bearing arms was only issued in cases of urgent necessity.[3]

The body of men raised according to the muster roll was divided, according to the Phylæ, into ten battalions, which are termed τάξεις, and sometimes even φυλαὶ also. At the beginning of the Peloponnesian war, the total number of the men capable of service as hoplites amounted to 13,000, a number which probably is to be understood as including only the citizens of an age actually liable to serve, *i.e.* from the twentieth to the sixtieth year, excluding the younger and older men, as well as the Metœci, who were used for garrisoning the fortified places in the country, and for the defence of the city. Accordingly, each Phyle would on an average have furnished 1300 men.[4] Of course this number is to be regarded as the maximum that could by any possibility be brought forward, and we must suppose that as a rule much fewer were furnished. The battalions were again divided into Lochi or companies, and these again into smaller divisions of ten and five men—Decades and Pentades, under leaders called Lochagi, Decadarchi, and Pentadarchi.[5] The number of the Lochi and their strength was naturally determined by the size of the levy made at any time, and was accordingly not invariably the same. As a rule those who belonged to the same Phyle and the same Deme probably also served in the same divisions of the army,[6] but exceptions are found to this rule, though no definite information can be obtained as to their occasions and nature.[7] The opinion of some inquirers that the traditional sequence of the Phylæ, which we have previously mentioned, was also in force in drawing up the army in line of battle, is entirely incapable of proof.[8]

The command of the cavalry was taken by two Hipparchi, to whom were subordinated ten Phylarchi. Both were chosen

---

[1] Demosthenes *in Mid.* p. 519.
[2] Böckh, *Pub. Ec. of Ath.* p. 87.
[3] Thuc. iv. 90.
[4] *Ib.* ii. 13; cf. Clinton's *Fast. Hell.* p. 389; Böckh, *Pub. Ec. of Athens*, p. 260.
[5] Cf. *Antiq. jur. publ. Gr.* p. 254, 25-27.
[6] Isæ. *or.* 2, § 42, and Schömann's comment. p. 221.
[7] *E.g.* Socrates from Alopeke, and therefore from the Phyle Antiochis, and Alcibiades from Scambonidæ, in the Phyle Leontis (Diog. Laert. ii. 16, Plut. *Alcib.* c. 22), served together in the same division; Plat. *Sympos.* p. 219 E; Plut. *op. cit.* c. 7.
[8] Cf. Böckh, Pref. to *Index lectionum æst.* 1816, p. 6.

by cheirotonia from the two highest property-classes, and the Phylarchi also according to the Phylæ. The cavalry, from the time of Pericles onward, amounted to a thousand men; besides these, the Athenians further possessed two hundred mounted bowmen, who were, however, public slaves,[1] acquired by purchase, and therefore need not here be further considered. Each Phyle furnished a hundred horsemen, who were divided into ten Decades, and twenty Pentades, under a corresponding number of Decadarchi and Pentadarchi.[2] The whole body, however, was divided into two main divisions of five hundred men, each of which was commanded by one of the Hipparchi, and even during peace these divisions were kept embodied, and diligently exercised in military service, especially in counter-manœuvring. The obligation to service in the cavalry was imposed only upon the citizens of the first and second property-classes, the latter of whom derived their name from it; and it may with propriety be considered as a kind of Liturgy, being frequently classed with the other services properly denoted by that name. The levying of those who were on each occasion liable to the service was undertaken by the Hipparchi; but any one who considered that he was not liable might protest against it, and carry the matter to a court for decision. It has already been remarked that the Council of Five Hundred exercised a special supervision over the members of the cavalry, and saw that their corps was kept up to its full strength, and in good condition. Moreover, the cavalry were used not merely in war, but were also often called upon during peace, at festal celebrations, and in processions, at which it was their duty to parade. From a speech of Hyperides only recently discovered we learn that the Athenians annually sent a Hipparch to the island of Lemnos, which was in their possession, and occupied by Attic cleruchs.[3] Whether he was sent as commandant, or for what other purpose, cannot be ascertained.

From the time when the power of Athens began to rest principally upon its fleet, special care was necessary for everything requisite for the equipment and maintenance of this branch of the service. It was the duty of the Council to provide that a certain number of ships should be built annually,

[1] Cf. p. 352. When the total number of the cavalry is stated at 1200, as is stated by Andoc. *de pac.* § 7, and Æsch. *de Fals. Leg.* § 174, these 200 are reckoned with the 1000 citizen-cavalry. Böckh, *Pub. Econ. of Ath.* p. 264.

[2] Xen. *Hipparch.* c. 2. 2 *seq.*, and 4. 9.

[3] Hyperides, *Oratio pro Lycophr.* p. 29, 12, Schneidewin. The despatch of a Hipparch to Lemnos is of course also mentioned by Demosth. *Philipp.* i. p. 47.

and to this end it was necessary that it should cause the nomination of Trieropœi, one of whom it was the duty of each single Phyle to elect.[1] The ships when built, and all the stores necessary for equipment, were subjected in the docks, or at the wharfs, to the supervision of a special authority, the so-called Epimeletæ of the Neoriæ, consisting of ten persons, one from each Phyle; whether these were named by Cheirotonia, or by the lot, is uncertain.[2] From these functionaries, accordingly, the trierarchs received the ships, and such stores as the State had to provide, and it was their duty to deliver all this up again to them. These functionaries, again, had to call to account those who did not perform their duty, and in disputes between the trierarchs with regard to the stores to be delivered by any one of them to his successor it was their duty to draw up the indictment, and to preside over the court.[3] As an extraordinary official we have the *ἐπιστάτης τοῦ ναυτικοῦ*, a commissioner appointed to inquire into the condition of the fleet, and to propose the measures that were at any time requisite.[4] The command of the fleet as well as of the army was exercised by the Strategi, whether the ordinary functionaries of that year, or others specially appointed, sometimes only one being in command, sometimes several jointly. On each separate ship the marines (Epibatæ) were commanded by their own officers; but the officer in command of the oarsmen and sailors was the trierarch, who had to attend to the equipment of the ship as a Liturgy. The term Nauarchi seems to have been officially applied only to the commanders of the so-called sacred triremes,[5] with whom it will be more convenient to deal in the next section.

For public works, at least when they were of considerable importance, the State named an Architecton, who was no doubt an expert. This officer, in conjunction with the commissioners of works or Epistatæ, and with the authorisation of the Poletæ and the supervisor of finance (*τοῦ ἐπὶ τῇ διοικήσει*), put out the work to be contracted for, exercised supervision over it,[6] and when it was complete, tested it and took it in charge.

---

[1] Æschines, *in Ctesiph.* p. 425.

[2] Böckh, *Urkunde*, p. 51.

[3] *Ib.* p. 56.

[4] *Ib.* p. 62. The *ἀποστολεῖς* may also be regarded as an extraordinary authority. They were ten in number, and nominated in time of war in order to provide for the more rapid equipment of the fleet, and in exceptional cases they also received jurisdiction over the trierarchs, like that given at other times to the Epimeletæ of the Neoriæ. Cf. the passages in *Att. Proc.* pp. 112, 113.

[5] Acc. to Herbst, *Die Schlacht bei den Arginusen* (Hamb. 1855), p. 30.

[6] Böckh, *Pub. Ec. of Ath.* p. 203.

The contractors for the work were also called Architectons, and the same name was frequently borne by the lessee of the theatre, who, after the introduction of payment for entrance, had to exact it, in return for which it was his duty to keep the theatre in a proper condition.[1]

Granaries also were requisite, partly to provision the fleet when one was equipped, partly for the needs of the public messes in the Prytaneum and other places where officials were maintained at the expense of the State; and, finally, for gratuitous distribution, or for sale at a lower rate to the citizens when prices were high.[2] For this purpose there was a special body of officials, under the name of σιτῶναι (corn-buyers), probably ten in number, corresponding with the number of the Phylæ, to whom was added a secretary.[3] It was their duty to attend to the purchase of supplies of corn, and for this purpose they received certain sums of money (τὰ σιτωνικά), which came either from the State treasury or even from voluntary contributions. A similar office is that of the βοῶναι or buyers of cattle, whose duty it was to purchase the cattle required for slaughter for the State sacrifices and for the public messes; the money for this purpose being received from the State treasury, in return for which they had to pay back the money arising from the sale of the hides of the slaughtered animals. They were elected by Cheirotonia; their number, however, is uncertain.[4] Together with them mention is not unfrequently made of the ἱεροποιοί (commissioners of sacrifices). Of these a portion were set apart for the separate deities and their temples together with the supervisors or ἐπιστάται of these latter, others were nominated by lot, ten annually, for the State sacrifices, while others again were elected for particular festal celebrations. Among the latter those assigned to the Semnæ or Eumenides are especially mentioned.[5]

An account of the priests must be reserved for another place, inasmuch as they, despite the close connection of the religious system with the State, are yet not to be regarded as officers of the government and administration. Here we may only briefly mention[6] that some priesthoods were in the hereditary possession of certain gentes, while others could be filled

[1] Böckh, *Pub. Ec. of Ath.* p. 220.

[2] *Ib.* pp. 88, 89.

[3] Cf. Meier, *Comm. Epigr.* ii. p. 62, and Th. Bergk, *Zeitschr. für die Alterthumswissenchaft*, 1853, p. 275.

[4] Only once in an inscription do we find a βοώνης in the singular, and this functionary Böckh (*Staatshaush.* ii. p. 139) regards as one specially appointed, probably correctly. As to the office, cf. *ib.* p. 216, and on the skin money, cf. especially the two inscriptions, App. viii. and viii. b. Pt. ii. p. 119 *seq.*

[5] Böckh, *Pub. Ec. of Ath.* p. 216.

[6] *Antiquitates jur. publ. Græc.* p. 258.

by every citizen of genuine Attic blood. For all of them soundness in body and an unblemished civic career were indispensable, and for this reason the candidates were subjected to a Dokimasia. Disputes between the various members of priestly gentes concerning their title to the office fell under the jurisdiction of the Archon Basileus,[1] who apparently had to decide upon the matter without any reference to a heliastic court, but alone with his assessors. Appointments to the sacerdotal offices were made either by popular election, or by means of the lot, to which of course those only were admitted who were qualified to hold them. The method sometimes adopted was to designate a certain number of candidates by election, and then to subject these to a ballot. Some were appointed for life, others for a year, or for longer or shorter periods. In general, sacerdotal functions were not considered incompatible with secular duties, so that the priests performed military service and held public offices. To more than one office of state, again, religious functions were attached. Not only had the Basileus, for instance, apart from his supervision and legal jurisdiction over the priests and everything that belonged to the sphere of ecclesiastical law, to attend to the celebration of some of the most sacred festivals, such as the Mysteries and the Lenæa, but his wife also, the Basilissa, offered secret sacrifices to Dionysus in conjunction with the priestesses of the god. That the Archon and the Polemarch also had functions similar to those of the Basileus has already been remarked. Similarly the Strategi were charged with certain sacrifices, for Hermes Hegemonius, for the goddess of peace, and for Zeus Ammon. But the sacerdotal offices, in the proper sense of the term, possessed this privilege over the offices of State, that, even though strictly speaking they were unpaid, they had various emoluments attached to them, such as perquisites, for instance, which fell to the priests' lot from the sacrifices offered in the temples in which they performed their functions;[2] and we consequently hear that the possession of these offices was a subject of keen contest.[3] For their participation in the supervision and administration of the goods and revenues of the temples, the priests, like all other magistrates, were bound to render an account.[4] The system of augury, of divination from sacrifices, from celestial phenomena, from the flight of birds, and other significant signs, was indeed not despised in Athens; but no trace is found of the appointment

[1] Pollux, vii. 90, *Αὐτὸς δικάζει.*
[2] Böckh, *Staatshaush.* ii. p. 121.
[3] Dem. *Procem.* p. 146, c. 5.
[4] Æsch. *in Ctes.* pp. 405-6.

of special functionaries for it, as was the case in Rome, although prophets are mentioned with sufficient frequency both as officiating in the army, in company with the generals, for the purpose of divination at the sacrifices, and as also employed by the authorities at home.[1] An official character is possessed only by the so-called Exegetæ, a board of three persons, to whom application might be made in all matters relating to sacred law, and also, probably, with regard to the significance of the Diosemia, or celestial phenomena and other signs by which future events were foretold. With regard to the mode of their appointment nothing is known. Whether the Delphic oracle co-operated in it, as some have concluded from the ordinance devised by Plato for his model State, we must leave undiscussed. In like manner it cannot be decided with certainty whether the Exegetes belonging to the race of the Eumolpidæ, who is mentioned in some passages, belonged to this board, or whether his office had reference merely to the Eleusinian mysteries and the institutions connected with these rites.[2] These three, however, even if not chosen from particular determinate gentes, were nevertheless, without doubt, elected only from among the Eupatridæ.[3]

Of the numerous class of subordinate officials, the clerks are most frequently referred to, though not much is to be learnt from these references. There was hardly any official body in Athens which was not allowed one or more clerks, though these clerks did not all stand in the same relation to the bodies which employed them. Some appear rather as assistants, or as members of the boards charged with some special function, than as mere subordinates and servants; for instance, the clerk and the controller previously mentioned in connection with the Council of Five Hundred, who, without doubt, were Bouleutæ themselves, and in addition to whom there must be assumed to have been other subordinate clerks, who were appointed by the people to this service by Cheirotonia, and admitted to mess in the Prytaneum, but no doubt also received a salary. These apparently were not changed annually like the members of the Council, but remained in the service for several years successively,[4] until they were removed in any way, or voluntarily retired. The clerk of the Board of Eleven, again, since he is counted as the eleventh person in the Board, which

---

[1] *Antiquitates jur. publ. Græc.* p. 126, note 36.

[2] *Ib.* p. 261, notes 34, 35.

[3] Böckh, *Corp. Inscr.* i. p. 513.

[4] Demosth. *de Fals. Leg.* pp. 419 and 442. But cf. Böckh, *Pub. Ec. of Ath.* p. 194, note.

properly consisted only of ten, seems to have had the position of a colleague rather than of a servant. With regard to the mode of his appointment nothing is stated, though we may conjecture that the board itself added him to their number by co-optation, though he was probably subjected to a Dokimasia. In like manner the nine archons are supposed to have chosen a clerk as one of their number, who was then subjected to an examination in the Dicasterium,[1] though possibly this statement is rather to be understood as implying that each of the three higher archons chose a clerk to assist him, as well as two assessors. Of course, however, it was necessary for the Thesmothetæ also to have not one but several clerks at their disposal. Those clerks of the lower class are also frequently termed merely under-clerks (*ὑπογραμματεῖς*)[2] and only citizens of the poorer classes offered themselves for this service, attracted by the salary attached to it, which was paid, as need hardly be remarked, not by the officials they served, but by the State. That public slaves were employed as clerks is improbable; they might, however, be sometimes assigned as accountants and cashiers to the officials who had to do with the administration of public money; for such occupations slaves might seem more suitable than freemen, because in case of an inquiry they could be questioned under the torture, which was not applicable to freemen, and also because the confessions obtained in this way were considered to be the most deserving of credit.[3]

Next to the clerks we hear most frequently of the heralds, one or more of whom were likewise attached in the capacity of servants to the various officials and public bodies. We find heralds of the Areopagus, heralds of the council, heralds of the Archons, of the Eleven, of the Logistæ, and many others.[4] Heralds summon the members of the Council into the Senate-house, and take down the flag which announces its meeting;[5] heralds summon the popular assemblies, recite the solemn formula of prayer before the opening of the proceedings, summon the orators, at the command of the Prytanes, to come forward to speak, call for order, and make whatever announcements are to be made.[6] Heralds, again, are

[1] Pollux, viii. 92.

[2] Antiphon. *de Chor.* § 35 and 49; Lysias, *in Nic.* p. 864; Dem. *de Cor.* p. 314, and *de Fals. Leg.* pp. 403 and 419.

[3] Cf. Böckh, *Pub. Ec. of Ath.* p. 185.

[4] Cf. *Antiq.* p. 261, note 2, with Demosthenes, *in Aristog.* p. 787, 17; Æsch. *in Ctes.* p. 415.

[5] Andoc. *de Myst.* § 36.

[6] Æsch. *in Tim.* p. 58; *in Ctes.* p. 541; Dem. *de Cor.* pp. 292, 319, and *in Aristocr.* p. 653.

commissioned by the judicial authorities to give the parties notice to be present when the plaints are lodged, when the cause is set down for hearing, and when it comes on for trial.[1] Heralds proclaim when anything is to be sold,[2] whether by public functionaries, or private persons; in brief, they perform all the functions of public criers. Their office was of course held in greater or less esteem according to the nature of the authorities they served, and the business for which they were employed; in general, however, it ranked as an employment which was sought only by poor and inferior persons.[3] They might be appointed by the authorities themselves in whose service they were; but they seem to have been also subjected to a Dokimasia, which must principally have had reference to the quality of their voice.[4] Like the clerks, they also received their meals at the public expense, with the authorities in whose service they were; and, without doubt, they were also paid, while private persons who had anything proclaimed by a herald were naturally bound to make him some payment.[5] Other inferior servants are the *παραστάται*, a name of equally general significance with *Apparitores* or *Statores;* the *θυρωροί* or doorkeepers, and perhaps also the *ἀκροφύλακες* or *πυλωροί* of the Acropolis,[6] the *ἐφύδωρ*, whose duty it was to attend to the Clepsydra at the sittings of the courts, the *βασανισταί* or administrants of the torture;[7] though the latter name signifies not only these, but also the persons who were appointed to conduct and superintend the penal examination of slaves. These persons were usually chosen by the parties interested, from the number of their friends,[8] who were not concerned in the case. The others were probably always public slaves,[9] as were also the doorkeepers, prison attendants, and executioner, the latter being called, *par excellence*, *ὁ δήμιος*.[10] Of the Ephydor, however, it is stated[11] that he was appointed by lot; his office, therefore, must have been of an unimportant kind, and one for which even the poorer citizens did not disdain to become candidates.

---

[1] Æsch. *in Ctes.* p. 415.
[2] Dem. *de Cor. trier.* p. 1234; Pollux, viii. 103.
[3] Dem. *in Leochar.* p. 1081; cf. Pollux, vi. 128; Theophr. *Char.* c. 6.
[4] Dem. *de Fals. Leg.* p. 449, 26.
[5] Cf. Harpocr. *sub voc.* κηρύκεια.
[6] Inscr. quoted in Ross, *Demen v. Attika*, p. 35.
[7] *Antiq.* p. 262, notes 4 and 5.
[8] *Att. Proc.* p. 681.
[9] *Lexicon Seguerianum*, p. 234.
[10] Also *δημόκοινος*, Pollux, viii. 71. On the other hand, *δημόσιοι* are those subordinate officials who were not slaves.
[11] Pollux, viii. 113.

8.—The Financial System.

Among the various branches of the administration for which the officials were appointed of whom we have spoken in the previous chapter, the financial system, on account of its great importance, further demands a fuller and closer consideration, —a task in which a trustworthy and adequate means of assistance is afforded us by the work of Böckh, a work by which an epoch has been made in the history of Athenian finance. As we have already dealt, so far as our purpose demanded, with the highest financial authorities, and with the officials charged with the details of the administration, there remain for consideration in the present chapter only the financial requirements of the State—that is to say, the various kinds of expenses which were to be met, and the means with which they were defrayed. But before we proceed to this, it is necessary to prefix some remarks upon the monetary system and the prices of commodities, in order to put the reader in a position both to reduce the coins and sums mentioned to the corresponding expressions current among us, and also to be the better able to judge of their value.

As currency, the Athenians had silver only. It was exceedingly pure, with no alloy, or at any rate very little, consisting of copper or lead. Hence Athenian coin was very highly prized, and was everywhere changed at a premium.[1] Counterfeiting was punished with death.[2] The coin of most frequent occurrence is the drachma, whose value is about 9d. sterling.[3] Larger silver coins, multiples of the drachma, were coined up to the value of eight drachmas (oktodrachmon). The most numerous of these were the tetradrachms, also termed silver staters, about equal to 3s. sterling. A hundred drachmæ made a mina, *i.e.* an Attic pound of silver, about 14½ oz. (foreign), and therefore representing a sum of about £3. 15s. Sixty minæ are called a talent, which therefore is equal to about £225. Divisions of the drachma are the obolus ($\frac{1}{6}$) and the hemiobolion ($\frac{1}{12}$), both likewise silver coins. Once only, in the Peloponnesian war (in Ol. 93. 3, B.C. 406), copper coins of this amount were issued; and these were probably not of the true value, and therefore were soon recalled.[4] In contrast to these, the still smaller divisions of the drachma,

[1] Cf. Böckh, *Pub. Ec. of Ath.* pp. 15-17.

[2] Demosth. *in Lept.* § 167; *in Timocr.* § 212.

[3] According to Hultsch, *Metrologie* (Berlin, 1862), about ¼ of a thaler.

[4] See above, p. 399.

especially the chalcus, or $\frac{1}{8}$, and the leptum, or $\frac{1}{96}$, were invariably of copper. Among gold coins, the golden stater, or chrysûs, was two drachmæ in weight, and was equal in value to twenty silver drachmæ, or about 15s. sterling. Yet Athens itself issued no gold coins, except on one occasion, about Ol. 93. 2, when they were considerably alloyed with copper.[1] At other times foreign gold was current, especially Persian darics, of the value stated above. Besides these, other smaller gold coins were in circulation, especially Phocæan staters.[2]

The prices of commodities, and therefore the value of money, of course changed at various times just as they do with us. In proportion as more money gradually came into circulation, the more its value necessarily fell, so that in a later period a much smaller amount of commodities could be bought for the same money than had been possible in earlier times. Some examples from different times may serve to make this clear. In Solon's time a head of cattle is said to have sold for five drachmæ, or 3s. 9d.; a sheep for one drachma; a medimnus (*i.e.* about $1\frac{1}{2}$ bushel) of barley was likewise, we are told, valued at one drachma.[3] On the other hand, in the time of Demosthenes, and therefore about two hundred years later, the medimnus of barley rose to as much as six drachmæ, or 4s. 6d. This however, it must be admitted, is stated as an unusually high price.[4] In Socrates' time, about one hundred years earlier than this, a medimnus of barley-groats cost two drachmæ, or 1s. 6d.[5] In Demosthenes' time a medimnus of wheat cost, when the prices were moderate, five drachmæ, or 3s. 9d.[6] At an earlier period, in the time of Aristophanes, it cost only three drachmæ.[7] Wine, such as was made in Attica itself, of grapes grown in the country, was valued, at the time of Demosthenes, at about four drachmæ a metretes[8] (*i.e.* a cask of about nine imperial gallons), and was therefore exceptionally cheap. In the same way, the prices of wine in antiquity were, as a rule, relatively low, because the product of the wine countries did not find a sale over so extended an area as it does at present. A cow, such as was offered in sacrifice to the gods—a picked animal, therefore, and without blemish—was

[1] See above, p. 399.

[2] Böckh, *Pub. Ec. of Ath.* p. 22. Cf. Böckh, *Metrologische Untersuchungen*, p. 135.

[3] Plutarch, *Solon*, c. 23; Böckh, *Pub. Ec. of Ath.* p. 78.

[4] Demosth. *in Phœnipp.* p. 1048; Böckh, *Pub. Ec. of Ath.* p. 94.

[5] *Ib.* p. 94.

[6] Demosth. *in Phorm.* p. 918.

[7] Aristoph. *Eccles.* 543; Böckh, *Pub. Ec. of Ath.* p. 94.

[8] *Ib.* p. 98.

valued, about Ol. 101. 3 (B.C. 374) at from about 70 to 77 drachmæ, or from £2. 12s. 6d. to £2. 17s.[1] An ordinary cart-horse is valued by Isæus, about B.C. 390, at three minæ, or £11. 5s.[2] Horses of better breed, such as were kept for purposes of war or racing, were probably valued, in the time of Aristophanes, at about twelve minæ, or £45.[3] Not less various were the prices of the slaves. A miner is valued, in the age of Demosthenes, at 150 drachmæ, or £5. 12s. 6d.[4] The same value may accordingly be assumed in the case of other slaves used for less skilled employments, as, for instance, for agriculture. Artisan slaves were naturally higher in price, according to the returns brought in by their work; and the prices of those who ministered to the luxury of the rich rose to the most various sums.[5] Not less various, again, are the prices of real estate. Of land sold in the country only thus much can be said, that at the time of Lysias, shortly after the Peloponnesian war, a plethrum of agricultural land was valued at about fifty drachmæ, or £1. 17s. 6d.[6] [The plethrum amounts to somewhat above 66 square poles, English standard measure.] The statements regarding the prices of houses in the city are very various. Isæus even speaks of a small house which was worth no more than three minæ, or £11. 5s. Demosthenes values a house belonging to poor people at forty minæ, or £150; while we hear of others of the value of twenty minæ, and of a house let out in separate tenements—and consequently a large house in which several families lived—of the value of 100 minæ, or £375.[7] Finally, with regard to clothing, we have some few statements belonging to the time of Socrates. An exomis, that is to say, a chiton or under-garment which covered only the left shoulder, leaving the right bare, and which was the usual dress of the working class, both slave and free, may be bought, according to Socrates, for ten drachmæ, or 7s. 6d.[8] In Aristophanes,[9] a young man demands from an old woman who is his sweetheart, and provides for him, twenty drachmæ, or 15s., for an outer garment, but eight drachmæ, or 6s., for shoes. The latter sum is disproportionately large, however ornamental we suppose the shoes to have been; for Lucian, at a later period, puts the value of a pair of women's shoes at only two drachmæ.[10] An ordinary outer garment, such as was worn by

[1] Böckh, *Pub. Ec. of Ath.* p. 75.
[2] Isæus, *Or.* 5, § 43.
[3] Aristophanes, *Nubes*, 20 and 1226.
[4] Böckh, *Pub. Ec. of Ath.* p. 68.
[5] *Ib.* p. 71.
[6] *Ib.* p. 63.
[7] Böckh, *Pub. Ec. of Ath.* p. 66.
[8] Plutarch, *de tranquillitate Animi*, c. 10.
[9] Ar. *Plut.* 983, 984.
[10] Lucian, *dial. Meretr.* 7 and 14, tom. viii. pp. 226, 264, Bip.

persons of the middle classes, seems to have been worth four silver staters, and therefore sixteen drachmæ, or 12s.;[1] and a chlamys, such as was worn by the Ephebi, to have been worth twelve drachmæ, or 9s.[2]

From such scattered notices, dating as they do from different periods, and not always wholly to be relied on, we cannot, it must be confessed, draw any but the usual conclusion, viz., that in the times better known to us, from the Peloponnesian war to the end of the age of Demosthenes, money had a higher value than in our own time, but that the notion that it was worth about tenfold more is decidedly incorrect.[3] At the same time, it must be admitted, the cost of living was much less in Athens at that time than amongst us at present, because a multitude of wants which increase it for us did not then exist, and any one who limited himself to the barest necessaries could make a small income suffice. The coarser kinds of fish especially, which, both fresh and salted, formed a principal food of the majority of the populace, were exceptionally cheap, while clothing likewise was not dear; and it may be assumed that in the time of Socrates a family of four persons could meet the most indispensable necessities in the way of food and clothing with from £13. 10s. to £15 annually.[4] Those who desired to live better, however, naturally required much more.

To form a correct judgment upon the financial situation it is also requisite to know the rate of income produced by the capital invested in various businesses. That in antiquity this was considerably greater than in our time is shown by the rate of interest alone. The usual rate was 12 to 18 per cent., so that an equal amount of capital produced three or four times as much, to its owner, as with us, if we assume the modern rate of interest at four per cent. We also find instances of lower rates, at ten per cent., while they sometimes rose as high as 36 per cent., especially in the case of the so-called bottomry, the τόκος ναυτικός.[5] Legal provisions with regard to the rate of interest did not exist; but it is clear that no one would have borrowed money at such high rates, if the business in which he used it had not returned him such a profit that he could be sure of making it remunerative even at that rate. The smallest return was made by landed property. According

---

[1] Aristophanes, *Eccles.* v. 436; cf. Böckh, *Pub. Ec. of Ath.* p. 105.
[2] Pollux, ix. 58; Böckh, *loc. cit.*
[3] Cf. Rodbertus, *Sachwerth d. Geldes. im Alterthum*, in Hildebrand's *Jahrbuch für Nationalökonomie*, viii. p. 5.
[4] Böckh, *Pub. Ec. of Ath.* p. 113.
[5] *Ib.* p. 132.

to Isæus, a small property worth 150 minæ brought in an income of twelve minæ, and therefore only eight per cent.[1] In contrast to this, we have the statement that the whole property of a minor, which, according to Athenian law, was let *en bloc* by the guardians, rose in consequence within six years from 3½ talents to six talents, its value therefore being nearly doubled. It must therefore have returned 25 minæ a year, *i.e.* more than eleven per cent.[2] Everything goes to show how disproportionately high the income arising from capital was at that time, as compared with what it is at present.

The expenses of the State, to the consideration of which we now pass, are partly ordinary, which required to be met every year, partly extraordinary, caused by special needs, and particularly by war. Among the former we may mention, in the first place, the expenditure required for the numerous functionaries of government and their subordinates, a department of expenditure which, despite the fact that the officials for the most part served without pay, yet cannot have been inconsiderable, since the State had to bear the cost of the public messes, of which we have previously spoken, to maintain the subordinate officials, such as clerks and heralds, and also the Scythian police-soldiers and other public slaves, all of whom were not only provided with sustenance, but were also paid. Payment was given, again, to many persons charged with the performance of particular functions, for instance, the orators who had to serve as Synegori or counsel for the government in public suits, and whose pay, at the time of Aristophanes, seems to have been a drachma a day.[3] Similarly, envoys received a daily allowance of from one to two drachmæ,[4] and the commissioners who were sent from time to time into the cities of the allies in order to watch over Athenian interests[5] there, were also paid. The law, however, forbade any one to draw payment for two appointments at once,[6] clearly in order that as many persons as possible might be in receipt of this benefit. Public physicians, again, partly foreigners, were taken into its pay by the State, and the remuneration given them was sometimes considerable. For instance, Democedes of Croton, for one year during which

---

[1] Isæus, *Or.* 11, § 43. 3.

[2] Demosthenes, *in Aphob.* i. 834; Böckh, *Pub. Ec. of Athens*, p. 142.

[3] Aristoph. *Vesp.* 689.

[4] Aristoph. *Acharn.* 66; cf. Demosth. *de Fals. Leg.* p. 390, where the expenses of an embassy consisting of ten members, which had been absent not quite three months and a half, are given roughly at 1000 drachmæ. Schäfer, *Demosth.* ii. pp. 226, 236.

[5] Aristoph. *Aves*, 1023 *seq.*; Harpocr. *sub voc.* ἐπίσκοπος; *Pub. Ec. of Athens*, p. 407.

[6] Demosth. *in Timocrat.* p. 739, διχόθεν μισθοφορεῖν.

he stayed in Athens, is said to have received a hundred minæ,[1] and this too, several years before the first Persian war: at a time, therefore, when money was perhaps worth twice as much as it was a hundred years later. Similarly, no doubt many other persons also who devoted their art to the service of the commonwealth received payment for such service, though we have no special information on the point; much less are we in a position to determine, even approximately, what may have been the total amount of such payments annually. We should do better to attempt such an estimate with regard to the salaries received by the Council, the popular assembly, and the courts. The payment of a member of the Council amounted daily, *i.e.* as often as the sittings were held, to one drachma. If now we reckon about 300 days' sittings, and about 400 present—for that the whole 500 did not regularly meet together is certain,—we obtain a sum of twenty talents annually. As has been previously stated, the pay of those who attended the assembly amounted, at the time of the extension of the democracy, to three obols; and if we reckon even only the forty regular assemblies, and suppose about 6000 persons in receipt of the payment in each assembly, we get another total of twenty talents. There is no doubt, however, that more than these forty assemblies took place, though on the other hand, the number of the persons assembled must often not have amounted to anything like 6000; and we may probably assume that among those present there were many persons of the wealthier classes, who considered it more becoming to refuse the Triobolium, for we find a jest at the expense of such "Ecclesiastæ without Diætæ" in the comic poet Antiphanes.[2] The total amount of the payments made to the jurymen is calculated by Aristophanes[3] at 150 talents: clearly the highest sum possible, since he reckons in all 6000 Heliastæ, and 300 days on which the courts sat. But even if these days were really so numerous, yet it by no means happened that all the 6000 Heliastæ were always sitting in court, and we must therefore of necessity make some deduction

[1] Herod. iii. 131; compare in general with regard to the public physicians, Aristoph. *Acharn.* 1043, with the Schol. Plat. *Polit.* p. 259 A; Schneider on Aristot. *Pol.* p. 108; and Hermann on Becker's *Charicles*, iii. p. 49. The latter rightly denies that any grant whatever on the part of the State was necessary to the practice of medicine.

[2] In Athenæus vi. 52, p. 247, where the expression ἐκκλησιαστὴς οἰκόσιτος is explained by ὁ μὴ μισθοῦ ἀλλὰ προῖκα τῇ πόλει ὑπηρετῶν. To forbid renunciation of Diætæ, as modern democracy, for an easily explicable reason, has done, probably never occurred to the ancients.

[3] *Vespæ*, 660.

from this sum. We may, however, without hesitation, estimate the expense at a hundred talents.

Apart from these payments, which were intended to serve as a compensation for the time and trouble expended in the courts, in the popular assemblies, and in the sittings of the Council, the citizens, after Pericles' time, received the so-called Theorica:[1] at first only at the feasts, when plays were performed in the theatre—this being let to a lessee, the Theatrones or Architecton—whose duty it was to keep it in proper condition, and who was therefore entitled to exact a payment for entrance from the spectators. For the ordinary places this amounted to two obols, and on this account, in order not to interfere with the poorer citizens in their attendance at the theatre, the arrangement was devised of paying them the necessary money from the State treasury. Afterwards, however, this payment was also made at other festivals, in order that they might secure a pleasant day. All that can in any way be alleged as an excuse for these expenses we have already stated elsewhere.[2] How considerable the expense was may be seen, amongst other evidence, by an extant inscription,[3] whence it appears that in Ol. 92. 3, B.C. 410, and therefore during the Peloponnesian war, the payments from the treasury of Athene to the Hellenotamiæ for division as Theorica amounted to two talents in the third Prytany; eight talents and 1355 drachmæ in the fourth; five talents 2200 drachmæ in the fifth; and two talents 1232 drachmæ in the seventh; and therefore in four Prytanes, or less than five months, to a total of sixteen talents 47 minæ 87 drachmæ, or more than £3750. As the money was paid to the Hellenotamiæ—that is, to the treasurers of the funds belonging to the confederation, of which we shall presently speak—it may be assumed that it served only to supplement the sum to be paid by them from their own fund, and that accordingly the sum total of the Theorica paid during this time probably reached a considerably higher amount. The fact that the Theorica were paid from this fund, which had originally been destined to serve only as a war fund, is explained from what I have previously remarked, viz., that this distribution was meant to be regarded as a kind of compensation to the Athenians for having to bear the chief burden of the wars, while their allies suffered comparatively little. A calculation of the total amount which may have been demanded by the Theorica is hardly possible, however,

[1] Cf. Böckh, *Pub. Ec. of Athens*, p. 217 *seq.*

[2] See p. 341.

[3] *Corp. Inscr.* no. 147.

and we may content ourselves with stating that Böckh has estimated it at from twenty-five to thirty talents annually.[1] Towards the end of the Peloponnesian war, when the absolute democracy was abolished for a time, these distributions ceased, as did also the payments to the popular assembly, of which we have previously spoken, and others of the same description. After the restoration of the democracy, however, they were introduced afresh, and special treasurers were appointed for the fund set apart for this object. These were probably ten in number, chosen by Cheirotonia, and they were for a time actually the highest financial authorities. During this time, apart from their proper duties, they had also the function of acting as controllers of the public revenues instead of the Antigrapheus; of receiving the money paid to the State instead of the Apodectæ, and of attending to the public works; but this accumulation of functions was after some years abolished.[2] That, in the period when the Athenians rarely waged any war themselves, the Theoric distributions were utterly unjustifiable is past denial, especially when we hear that the people, in its greed for them, went so far as to resolve that all surplus arising from the revenues of the State should be paid solely to the Theoric fund, and even that for a time the mere proposal to apply them to the war fund was punishable with death,[3] and when we consider, moreover, that the occasions of this distribution were constantly multiplied, and that public banquets for the people were frequently added, the expenses of which were likewise to be defrayed out of the Theoric fund. The distribution of the Theorica took place in the several Demes; and in Demosthenes' time, though certainly earlier also, the money was received, not only by people of the poorer classes, but also by some who were well-to-do.[4]

There was another class of distributions which, on the contrary, deserves our praise; distributions intended to insure the support of poor citizens incapable of work. Even Solon, or, according to others, Pisistratus,[5] is said to have devised this arrangement primarily for those who had become incapable of work by reason of injuries received in war. In later times the distributions were extended to all persons incapable of work,

---

[1] *P.E. of Ath.* p. 224; but with the reservation that even in good (*i.e.* less degenerate) times it may easily have been twice or three times as much.

[2] Æsch. *in Ctes.* p. 417 *seq.*; Böckh, *P. E. of Ath.* p. 183; Schäfer, *Dem.* i. pp. 177, 181 *seq.*

[3] Cf. Schäfer, *Demosth.* i. p. 185.

[4] Demosth. *in Leochar.* 1091.

[5] Plutarch, *Solon*, c. 31; Schol. on Æsch. vol. iii. p. 738 R; Harpocration, *sub voc.* ἀδύνατοι; Böckh, *P. E. of Ath.* p. 242 *seq.*

whose property amounted to less than three minæ, and who therefore were really poor. The distribution amounted to from one to two obols a day.[1] The persons who were to receive it were determined by resolution of the assembly; the payment being attended to by the Council, according to the several Prytanies. Each recipient, however, was obliged to submit himself to examination, *i.e.* to furnish proofs with regard to his title to a share. Any one who neglected to do this lost his payment for that occasion. But at this examination it was free to any one to come forward with objections and to combat the claims, and this opposition was sometimes required to take the form of a regular action at law. The sum annually applied to this purpose may be put with Böckh at from five to ten talents. Other institutions for the support of the poor—such as poorhouses and the like—did not exist, and Athens stood in less need of them than modern States, among whose so-called citizens there is a numerous proletariate, which otherwise would starve. This class in Athens was replaced by the slaves, who were maintained by their masters, and in whose case over-population, that chief cause of poverty, could easily be guarded against, inasmuch as their multiplication was under the control of their masters, and any one who had more slaves than he could maintain could get rid of them by sale. The Theorica too, it must be allowed, admit of being regarded as a mode of poor-relief, as do also the payments made to the courts and the popular assemblies, in so far as these were an assistance to the poor. Just as the poorer citizens above referred to obtained relief from the State, so also the children of those who had fallen in war were maintained by the State during their minority, and subsequently, when admitted to bear arms, were presented with a panoplia, or the complete equipment of a hoplite.[2] In this connection, finally, we may call to mind the distributions of corn. These, it must be admitted, took place only on special occasions, when, in times of high prices, the wheat was furnished to the people from the public storehouses, either gratis or at a reduced price.[3]

A permanent expense of no inconsiderable magnitude was caused, even in time of peace, by the military system. In the first place, the cavalry, who were kept embodied and were exercised even during peace, both received a sum of money to provide an outfit at their entrance into the service—the so-called

---

[1] Philochorus, quoted in Harpocration, *loc. cit.*; Müller, *Frag. Hist.* i. no. 68, 69.

[2] Böckh, *Pub. Ec. of Ath.* p. 245.

[3] *Ib.* p. 88.

κατάστασις—and also, while actually serving, received a contribution towards the keep of their horses. The amount of this our authorities do not specify, and we must accordingly content ourselves with the statement of Xenophon, who puts the expenses in the case of the cavalry at nearly forty talents yearly.[1] The Hippotoxotæ or mounted bowmen are not included among the cavalry of whom Xenophon speaks. They were two hundred in number, and, like the unmounted bowmen, were public slaves. They were, however, also used in war,[2] and their keep and that of their horses formed an item of expense which we may estimate at about fifteen talents. In the next place, several ships were kept permanently equipped and manned even during times of peace, to be used partly for Theoriæ, partly for other special missions. Of these, in the period which properly forms the subject of our account, there were three, the Delian, the Salaminian, and the Paralian;[3] the first so called because it was used for the Delian Theoriæ, the second because it was manned by the natives of Salamis, and the third because its crew was composed of men from the Paralia, *i.e.* the strip of coast bearing this name. In later times we find besides these the names Ammonis, Antigonis, Demetrias, Ptolemais; with regard to these, however, it is not clear whether they denote entirely new ships over and above those we have mentioned, or whether the latter have merely been rechristened. With regard to the Ammonis however the first hypothesis at any rate may be adopted. This ship was so called from the Theoriæ to Zeus Ammon, and the earliest mention of it belongs to the time of Alexander the Great. It is nevertheless certain that the crew of each of these ships received four obols a day as pay, and that to meet this expense and the remaining outlay necessary for them there was a special fund for each ship under the administration of a ταμίας. If now we reckon the crew of a ship at two hundred men, the sum required for their pay reaches the amount of nearly seven talents annually for each ship.[4] These ships, like the war-vessels proper, were used in naval engagements, and their commanders appear to have borne the title of navarchi.[5] The war fleet proper, scanty beginnings of which seem to belong to Solon, though its greatness dates from the time of the

[1] Xenophon, *Hipparch.* c. 1. 19; cf. Sauppe, *Philologus*, xv. p. 69 *seq.* Sauppe rightly rejects the opinion of Bake, that the κατάστασις was only paid under the Thirty. Bake's objections to this view, *Verslagen en Medeel.* v. 45, 306, are hardly of weight.

[2] Cf. Böckh, *Pub. Ec. of Ath.* p. 260.

[3] *Ib. Urkund*, pp. 76, 78; Meier, *Comm. Epigr.* i. p. 43.

[4] Böckh, *Pub. Ec. of Ath.* p. 240 *seq.*

[5] Herbst, *Schlacht bei den Arginusen*, p. 30.

second Persian war, was after that time annually increased by a certain number of triremes, although it is uncertain whether the number proposed by Themistocles, viz., twenty annually,[1] was always maintained. The possession of these ships involved many kinds of stores necessary for their equipment, and these it was necessary to keep in readiness in the State Neoria. Similarly the State was obliged to keep a provision of arms in the armoury, the ὁπλοθήκη, for the requirements of the war, in order to equip those who could not provide arms for themselves at their own expense, such as Thetes and slaves, when they were called out; and we still possess a resolution of the assembly in honour of the orator Lycurgus,[2] a contemporary of Demosthenes, in which it is mentioned as redounding to his honour that he had caused numerous suits of armour and fifty thousand bows and slings to be deposited on the Acropolis.

This same resolution also alludes to several other edifices and important public works (for instance, the wharves, the Theatre of Dionysius, the Panathenaic Stadium, and the Gymnasium at the Lyceum) as having been either built by Lycurgus or restored by him, and work of the same kind, whether consisting entirely of new constructions or in the maintenance of what already existed, of course occurred in a greater or less degree every year; as, for instance, walls and fortifications, trenches, aqueducts and fountains, markets, public offices, courts, and the like. All these must have caused an expenditure of no inconsiderable magnitude, the amount of which, however, we have no thought of calculating. But how great the sums must have been which were expended for the adornment of the city with splendid buildings and works of art may to some extent be inferred from the fact that the Propylæa of the Acropolis, which were built in five years under Pericles, alone cost 2012 talents, or more than four hundred and fifty thousand pounds sterling,[3] and that the gold used for the statue of the divine protectress of the city, which could be detached if necessary, amounted to forty talents in weight.[4]

But lavish as the Athenians were in setting up and adorning in a proper manner the statues and temples of their gods, they were equally lavish in the celebration of the feasts which took place in honour of those gods. They enjoyed the reputation of being the most devout among all the Hellenes, because they kept about twice as many feasts as any other State,[5] and we

[1] Plutarch, *Themistocles*, c. 4; Diodorus, xi. 43.

[2] In pseudo-Plut. *Vitt.* x. *Orat.* p. 852 c.

[3] Böckh, *Pub. Ec. of Ath.* p. 202.

[4] Thuc. ii. 13.

[5] Xenoph. *de rep. Ath.* c. 3, 9.

may add because no State manifested its reverence and thankfulness towards the gods in such brilliant and costly festivals. For it is hardly possible to deny that it was not merely love of ornament and delight in spectacular display that were the moving forces, but these nobler motives as well. He who is truly thankful for benefits received loves to show to his benefactor what delight, as well as what use, he derives from the benefit, and the Greeks were persuaded that their gods, with their human feelings, the givers of all good gifts, received actual pleasure when those they protected presented themselves before them in the pious enjoyment and use of that whose possession they owed to them. This is the meaning which lies at the root of the joyous and brilliant celebrations of their feasts. The festivals held at the expense of the State (*ἱερὰ δημοτελῆ*), which alone concern us here, were partly handed down from remote antiquity, having already been in existence in the earliest period, and were partly ordained at a later time (*ἐπίθετοι ἑορταί*), the former, for reasons which may easily be imagined, being in general less costly and brilliant than the latter. Some of these feasts were fixed, others extraordinary, and celebrated upon special occasions; in the case of many, festal processions and amusements of various kinds, scenic or gymnastic, were superadded to the sacrificial proceedings, while at many again there were general public banquets. In order to give an approximate conception of the outlay caused by the feasts we shall merely mention the circumstance that, according to an inscription of Ol. 111. 3 (B.C. 334),[1] the so-called Dermaticum or hide-money, *i.e.* the money arising from the sale of the hides of the animals slaughtered in sacrifice, amounted in seven months to the sum of 5148⅔ drachmæ, and therefore to somewhat over £195. At the yearly celebration of the victory at Marathon five hundred kids were slaughtered in honour of Artemis Agrotera. At the Panathenaic festival, as we are informed by an inscription of Ol. 92. 3 (B.C. 410),[2] 5114 drachmæ were paid from the treasury of Athene to the superintendents of sacrifices (*ἱεροποιοί*), while the Athlothetæ, whose duty it was to attend to the festal games, received at the same time five talents and a thousand drachmæ, sums which must be regarded as only a small part of the whole expenses of the festival. Demosthenes says on one occasion[3] that the Athenians spent more than the sum demanded by the preparations for any one war upon the

[1] *Corp. Inscr.* no. 157; cf. Böckh, *P. E. of Ath.* p. 212.

[2] *Corp. Inscr.* no. 147; Böckh, *Staatshaushaltung d. Ath.* ii. p. 6.

[3] *Philipp.* i. p. 50.

Panathenaic and Dionysiac festivals, a statement which cannot strike us as a gross exaggeration when we remember the splendour of the theatrical representations, the furnishing of the stage and of the choruses, the payment of the poets and actors, and the reward of the victors, and when we consider that this was far from exhausting all that pertained to the festival. With regard to prizes we shall only mention by way of example[1] that, according to an inscription, the golden crown of victory presented to a player on the cithara weighed eighty-five drachmæ; its worth may therefore be estimated at about one thousand silver drachmæ, or £37, 10s., while on other occasions we have instances of prizes of two thousand five hundred, twelve hundred, six hundred, four hundred, and three hundred drachmæ, and, according to an ordinance of the orator Lycurgus, at the feast of Poseidon in the Piræus the cyclic chorus which won the victory received at least twelve minæ, the second eight, and the third six. But not only did the celebration of the feasts at home cost large sums annually, but money was also required for foreign celebrations, which were visited by the Theoriæ or festal embassies sent to represent the State, *e.g.* the Delian Panegyris, the Olympian, Pythian, Isthmian, and Nemean games, and many others. The costs of these Theoriæ were indeed partly borne by the delegates themselves, and therefore the function of Archetheoria is counted among the Liturgies, of which we shall presently speak; but a contribution was also furnished by the State, while an inscription[2] informs us that the Archetheori at the Delian Panegyris received a talent. This, it is true, was paid out of the Delian temple fund, which was under the administration of Athenian Amphictyons, but it may nevertheless serve as a proof that the Archetheori had not to meet all the expenses from their private means.

To make our enumeration complete we shall further mention the gifts of honour which the State was accustomed occasionally to distribute, and which gradually began to take rank as permanent expenses. Thus, in the age of Demosthenes, it had become matter of traditional usage that the Council of Five Hundred, at the time of its retirement, should receive, by decree of the people, a golden crown,[3] as a sign of the satisfaction felt with the manner in which it had performed its functions. In other cases, moreover, during this period, golden crowns occur with tolerable frequency as rewards of citizens

[1] Böckh, *Pub. Econ. of Ath.* p. 214 *seq.* *Staatshaushaltung d. Ath.* ii. p. 95 (ed. 1851).

[2] *Corp. Inscr.* no. 158; Böckh, . [3] See above, p. 373.

who have deserved well of the State. In better times, on the contrary, garlands of olive had sufficed; for instance, Pericles is said to have received such garlands, and, indeed, to have been the first recipient of them.[1] The worth of such golden crowns probably amounted in general to between 500 and 1000 drachmæ of silver, though there were also some of smaller value.[2] When a reward of this kind was assigned to any person, not only was the fact publicly announced through the agency of the herald in the theatre or the Pnyx,[3] but the decree upon the subject was also frequently inscribed on stone, and set up in public places. Statues in honour of men who had done good service occurred far less frequently in the best times; and until the time of Conon, who through his victory over the Spartans at Cnidus and restoration of the destroyed walls of Athens, had laid the foundation for the re-erection of the State, and well earned the honour of the statue erected to him, such statues had probably been erected only to Harmodius and Aristogiton, the slayers of the tyrant.[4] The Athens of later times was lavish with this token of honour. A more moderate reward consisted in entertainment at the public table in the Prytaneum, a privilege granted to citizens who had served the State well, sometimes for their lifetime, as is generally known in all probability from the story of Socrates. Gifts of money also occurred sometimes; for instance, Lysimachus, the son of Aristides, owed to the merit of his father the gift of a sum down of 100 minæ, and some land, as well as a pension of four drachmæ a day.[5]

That the total amount of the regular annual expenses does not admit of calculation with even approximate certainty will be remarked by our readers of their own accord when they glance over the collected statements regarding it. Böckh estimates it at least four hundred talents; but if (he says) great public works, extraordinary distributions of money, and remarkable outlay for feasts are added to it, it may easily have amounted to a thousand talents.[6] With this conjecture, then, we too shall content ourselves. With regard, however, to the extraordinary expenses caused by war, we can only say with the Spartan king, *οὐ τεταγμένα σιτεῖται ὁ πόλεμος*: war consumes no fixed rations: everything depends on the size of the armies

[1] Val. Max. ii. 6. 5.
[2] Cf. Böckh, *Pub. Ec. of Athens*, p. 25.
[3] Cf. Schömann, *De Comitiis*, p. 335.
[4] Dem. *in Leptin.* § 70. The statue of Solon, mentioned by Paus., i. 16. 1, and Æl. *Var. Hist.* viii. 16, was, there is no doubt, not erected till afterwards. Cf. Westermann, *de publ. Ath. hon.* p. 15; Bergk, *Jahrbuch für Philologie*, lxv. p. 395.
[5] Böckh, *Pub. Ec. of Athens*, p. 248.
[6] *Ib.* p. 252.

and fleets, and on the duration of the war. The armies, although the citizens, with the exception of the Thetes, provided their own arms, must necessarily, when the campaigns were not intended to be very brief, have received pay, as, in fact, after Pericles' time they certainly did.[1] The common foot-soldier received as a rule two obols a day, and an equal amount as mess allowance (*σιτηρέσιον*); the Lochagus probably received twice, and the Strategus four times as much. This, no doubt, stands in glaring contrast to the payments made to armies of the present day, but it admits of easy explanation from the democratic principle of equality. In war, moreover, the leaders had no lack of opportunity to procure certain additional advantages, and to enrich themselves. There are, however, examples of higher pay. For instance, at the beginning of the Peloponnesian war, at the siege of Potidæa, each hoplite received two drachmæ daily, one for himself, the other for his servant. The crews of the ships, marines and rowers, at one time received four obols, at another a drachma; so that if four hundred men are reckoned as the crew of a trireme, the amount of their monthly pay ranges from four thousand drachmæ to a talent.[2] A fleet of a hundred ships must therefore have cost about a hundred talents per month in pay alone. Not long before the Peloponnesian war, Pericles attacked the island of Samos with a fleet of sixty ships, to which there were afterwards added forty Athenian ships, twenty-five from Chios and Lesbos, and soon after sixty other ships from Athens, and thirty from the two islands just mentioned: the war lasted nine months, and is said to have cost a thousand or twelve hundred talents.[3] At the siege of Potidæa, where, as was said, every hoplite received a drachma for himself and the same sum for his servant, there must have been spent, if we look at this pay alone,—since the army amounted to six thousand men, and the siege lasted twenty-seven months,—eight hundred and ten talents for the pay alone. The total cost of this siege is given by Thucydides at two thousand talents.[4]

We now turn to the consideration of the revenues of the State, and in this branch of the subject we have more precise statements. According to the assertion, put by Aristophanes into the mouth of a personage in a play represented in Ol. 89. 3 (B.C. 422),[5] they then still amounted to two thousand talents;

---

[1] Böckh, *Pub. Ec. of Athens*, p. 272 *seq.*

[2] Thus Thucydides (vi. 8) reckons sixty talents as the monthly pay for sixty ships.

[3] Thuc. i. 116, 117, and Isocr. *de Permut.* § 111; Diodor. xii. 28; Corn. Nepos, *Timotheus*, c. 1.

[4] Thuc. ii. 70.

[5] Aristoph. *Vesp.* 660.

and, in the flourishing period of Athens, they were certainly not much less, since the tribute of the allies, as we shall see presently, alone amounted to about three-fifths of this sum. In times of peace, accordingly, the revenues far exceeded the expenditure, and it was possible for a considerable treasure to be collected, inasmuch as at the beginning of the Peloponnesian war, despite the expenses caused by the public works set on foot by Pericles, and by the siege of Potidæa, there was nevertheless a provision of six thousand talents, not including either the many articles of value which were to be found in the temples, on the Acropolis and elsewhere, and the value of which is estimated by Thucydides[1] at five hundred talents, or the forty talents of gold upon the statue of Athene, which could be removed in case of need. This reserve, we must admit, was soon expended in the war; but in the time immediately succeeding, after the peace of Nicias, seven thousand talents, we are told, were again collected;[2] a sum which was again consumed by the war, especially in the expedition to Sicily. After this time no further mention is made of any collected treasure, and after the disaster in Sicily, and still more after the overthrow at Ægospotami, the finances of Athens were in a very bad condition, until by degrees, with the restoration of the power of the State, they were raised again to such a height that under the administration of Lycurgus the revenues are said to have amounted to twelve hundred talents.[3]

The receipts, like the expenditure, must be divided into ordinary and extraordinary. The ordinary receipts may be divided into five kinds. In the first class we reckon the receipts from lands belonging to the State and leased to individuals, whether for limited periods or under a permanent hereditary tenure. Among these a position of supreme importance was occupied by the silver mines of Laurium.[4] They extended from Thoricus to Anaphlystus in the southern part of the country, and their productiveness is highly praised by Xenophon,[5] though subsequent times have not maintained their fame. For when Strabo wrote the working of them had been already abandoned, and the lessees contented themselves with merely searching through the previously exhausted workings and the heaps of refuse, in which some silver was still found, the process of smelting

---

[1] ii. 13.

[2] According to Andoc. *de Pace*, p. 93, followed by Æsch. *de Fals. Leg.* p. 337. Cf. Böckh, *Pub. Ec. of Athens*, p. 445.

[3] Pseudo-Plutarch, *Vitt.* x. *Orat.* p. 842 E; cf. Schäfer, *Demos.* iii. 2, p. 102 *seq.*

[4] On these cf. the exhaustive account of Böckh, *Abh. d. Berl. Ak. d. Wiss.* 1815, and *P. E. of Athens.* p. 615 *seq.*

[5] Xenoph. *de redit.* c. 4.

having been carried on imperfectly in earlier times.[1] The mines were let to private persons on a permanent hereditary tenure, the lessees being obliged to pay a sum down as purchase money for every new part which it was intended to work, and one twenty-fourth or $4\frac{1}{6}$ per cent. of the proceeds by way of rental. The proceeds of this rental, in early times, were divided among the citizens until Themistocles effected the abolition of this distribution, and the application of the money to the expenses of the fleet. With regard to the amount, however, whether then or afterwards, we have no precise statements.[2] Among other landed property let on lease by the State, houses are especially mentioned.[3] Of the letting of the theatre we have already spoken. We find also indications of land having been leased, and of a payment of one-tenth having been made for it;[4] and similarly, we hear that after the conquest of Chalcis in Eubœa, shortly before the Persian wars, the landed properties of the State situate in that territory were also leased.[5] Finally, there were sacred olive-trees (μορίαι) in Attica, the produce of which was let.[6] The rent of these, however, was probably paid not into the treasury of the State, but into that of the temple of Athene, to whom these trees were sacred. In the same manner the rents of temple-lands (τεμένη) were paid into the temple-funds of the gods to whom these lands belonged. The management of the letting, on the part of the State, as we have already remarked, fell to the lot of the Poletæ, under the supervision and authority of the Council.

A second class of receipts are the poll-taxes and the taxes on certain occupations. These, however, were not paid by the citizens, but only by the resident aliens. The citizens were not subject to any direct taxation, except that a small amount of head-money, three obols, seems to have been annually paid for every slave kept.[7] Free States have an easily explicable dislike to direct taxation, and only adopt it in

---

[1] Strab. ix. 1. 399.

[2] In Herodot. vii. 144, where the author speaks of the measure of Themistocles, it seems certain that he is speaking of an annual distribution, although the sum-total of the money then available for defence, of which, it is stated, ten drachmæ are to fall to the share of each citizen, and which would amount to about forty talents, is too large to be regarded as the regular annual revenue. Possibly just then extraordinary additions, *e.g.* purchase money for newly opened workings, had been made to the usual revenue; cf. Curtius, *Hist. of Greece*, ii. p. 231 *seq.* and 592.

[3] Xenoph. *de redit.* c. 4. 19.

[4] Böckh, *Pub. Ec. of Athens*, p. 303, and *Staatsh.* ii. 52.

[5] Ælian, *Var. Hist.* vi. 1; Böckh, *Pub. Ec. of Athens*, p. 304.

[6] Cf. Markland on *Lys.* p. 269 R, and Böckh, *loc. cit.*

[7] Böckh, *Pub. Econ. of Athens*, p. 331.

cases of necessity. The poll-tax of the aliens, as has already been stated, amounted to twelve drachmæ annually for the head of a family, six for women in a position of independence, and three obols in addition in the case of such resident aliens as belonged to the class of freedmen; a fee to be regarded as a compensation for the slave-dues lost by their manumission. With a number of about 10,000 resident aliens liable to payment, and 365,000 slaves, the total amount of these taxes may be calculated at about fifty talents. With regard to taxes on occupations we only know that, in the first place, the resident aliens who carried on trade in the market paid a tax for so doing, from which the citizens were exempt; secondly, that persons who prostituted their bodies for sensual purposes had also to pay certain dues (*πορνικὸν τέλος*).[1] If persons of the rank of citizens stooped to such a calling they were obliged to pay the tax for it; they, however, ceased to be citizens in the proper sense of the term; they lost their privileges, and consequently, so far as citizenship was concerned, were dead.

The third class of revenues is formed by the import and export dues, the market dues, and the tolls otherwise levied on objects sold. As regards these latter, we find an indication that one-hundredth part of the purchase-money of lands sold had to be paid to the State;[2] and in the case of other objects sold, a similar tax may have been paid, although our authorities give us no certain information on the subject.[3] The market-dues on the goods offered for sale by retail were exacted partly at the doors and partly at the actual place of sale, and were of different amount according to the difference of the goods.[4] The duties on imports and exports amounted to one-fiftieth of the value of the goods imported and exported,[5] and were of course the most important in the Piræus, on account of the trade being principally carried on by sea; the trade by land, on the contrary, being of less importance. For the use of the harbour, again, and for the buildings serving for the receipt of goods, a tax (*ἐλλιμένιον*) was paid, of the amount of which no precise information[6] can be obtained. The annual produce of the tax

[1] Böckh, *Pub. Ec. of Athens*, p. 333.

[2] Böckh, *Staatshaush. d. Ath.* i. p. 440, and ii. p. 343; cf. also Theophrastus in Stobæ. *Florileg.* tit. 44. 22, p. 280 (201 Gaisf.). [The passage is omitted in the English translation of Böckh.]

[3] In the *πολλαὶ ἑκατοσταί* of Aristophanes, *Vesp.* 656, we are to imagine such dues. They seem to have borne the general name *ἐπώνια*. —*Lex. Seguer.* p. 255; cf. Böckh, *Staatshaushaltung*, ii. 439, and Kirchoff, *Monatsber. d. Berl. Akad. d. W.* 1865, p. 343.

[4] Böckh, *Pub. Ec. of Ath.* p. 324.

[5] *Ib.* p. 314.

[6] *Ib.* p. 319.

of one-fiftieth, or of the import and export duties, may be assumed, according to a statement of the orator Andocides, which, it must be admitted, is not quite clear, to have amounted, for the period just after the Peloponnesian war, to about thirty-six talents.[1] In better times it must of course have risen to a larger sum.

All these taxes and dues were not raised by the State itself, through its officials, but were leased out, or, as the Greeks expressed it, were sold.[2] For in fact the essence of the transaction consists in this, that the product of the tax or duty of a certain period becomes the property of the lessee (*τελώνης*), who in return pays to the State the sum agreed upon, and may himself possibly gain, possibly suffer loss. Smaller undertakings of this kind were contracted for by individuals, and these may then have personally raised the payments from the persons from whom they were due, somewhat as the contractors for highway-tolls in our day are also for the most part the lessees of the toll-houses. For larger undertakings, which demanded a considerable capital, companies were formed, one of the members standing at their head as *ἀρχώνης* or *τελωνάρχης*, and concluding the contract with the State. In this case it was necessary to appoint securities, who probably, as a rule, were themselves members of the company. For the collection of the contributions, of course, a number of subordinate officials were made use of, to whom different names were applied according to the different dues they collected. Such names are *πεντηκοστολόγοι, εἰκοστολόγοι, δεκατηλόγοι, ἐλλιμενισταί*: they might be hired persons or slaves of the lessees of the tolls, but were frequently, it is probable, smaller shareholders in the company itself. That the evils necessarily connected with this system of farming were not wanting in Athens, there is sufficient evidence to prove. Extensive rights against those from whom payment was due were granted to the lessees of the tolls, and their examinations and other vexations of a similar kind, were practised by them with the less forbearance, inasmuch as their personal interest was concerned, and not, as is the case where servants of the State receive the taxes, mere official zeal; which at any rate admits of being cooled by a moderate douceur. And that the Greeks had at least as much inclination to and talent for trickery and fraud on the revenue as any people, may be believed even without testimony. We even hear of an anchorage on the coast of Attica outside the revenue limits of the mercantile system, the so-called "Thieves' Harbour" (*φωρῶν*

[1] Andoc. *de Myst.* p. 65; Böckh, *op. cit.* p. 315, note 70.

[2] *Ib.* p. 334.

λιμὴν), which those were accustomed to use who defrauded the revenue. The State, to which it was naturally a matter of concern that the farmers of the revenue should be in a position to fulfil their obligations towards it, supported them by strict laws against fraud, and moreover guaranteed them freedom from military service, in order that they might not be hindered in their work. On the other hand, however, if they had not fulfilled their obligations, and did not make the payments at the times appointed, it proceeded against them with pitiless rigour. The payments had to be made at definite intervals in the Council-chamber, a part, it is probable, immediately the lease was entered into, as a preliminary deposit (*προκαταβολή*), the rest subsequently. Those who did not keep to the appointed days of payment incurred Atimia, as debtors to the State, and, under certain circumstances, if the Council thought proper, might be cast into prison. If, however, they made no payment up to the ninth Prytany, the debt was doubled,[1] and the State, in order to secure itself against loss, confiscated the property of the debtor. The like procedure was adopted against the securities, if they did not satisfy the obligations they had contracted, and the Atimia passed to the children of the debtors, until the debt was wiped out.

The fourth class of the ordinary revenues are the court fees and fines; the details regarding these will find their place in the next chapter. Here we merely remark, by way of preface, that in the case of suits between private persons, as well as in public lawsuits, with a few exceptions, certain fees had to be paid, which went to the treasury of the State, and in like manner, in both kinds of cases, the complainant, if he were unsuccessful, and had not secured at least the fifth part of the votes, had to pay a certain pecuniary penalty to the State. To these fees and penalties prescribed by the regulations of legal procedure were frequently added the pecuniary fines imposed by the judgment of the courts, which, in the majority of public cases, fell upon the person condemned, and were often very considerable, amounting to sums of fifty and even of a hundred talents, and sometimes actually to confiscation of the whole property.[2] Though such punishments occurred year by year with tolerable regularity,—and the courts are

[1] This belongs to the category of *προσκαταβλήματα*, or additional payments, imposed in general on those who did not pay their debts to the State or the temple funds at the proper time, and which, if the payment was due to a temple fund, were even multiplied tenfold. See Schäfer, *Demosthenes*, i. p. 342.

[2] Böckh, *Pub. Ec. of Athens*, p. 376 *seq.*

often charged with being only too much inclined to such sentences, in the interest of the public funds,—yet a calculation of their approximate average amount is not practicable. But even the court-fees and penalties created by the regulations of legal procedure, which we have mentioned above, must have produced no small sum, especially after the allies were compelled to bring their causes before the Athenian courts. This measure seems to have been introduced about the middle of the fifth century, and lasted until the loss of the command of the sea in consequence of the Peloponnesian war, though afterwards, when the Athenians gradually regained that command, it was probably not re-introduced. How considerable the revenue must have been which accrued to the State by this means may be gathered from the fact that Alcibiades,[1] in a list of the injuries that would be caused to the Athenians by the Spartan occupation of Decelea, brings forward in especial the loss of the court-fees: the reason being that when an enemy was in the country, it was the custom for the courts to suspend their sittings.

Finally, by far the largest revenue was furnished by the tribute of the allies, which, especially after the treasury of the confederacy had been transferred, about Ol. 79. 4 (B.C. 461), from Delos to Athens, the Athenians looked upon entirely as their own property; and, as Pericles could say with justice,[2] they were perhaps entitled to consider it so, inasmuch as, in return for the money paid by the allies, they had taken upon themselves the burden of the war against the barbarians. The sum-total of the tribute, which at first had been 460 talents, usually amounted, towards the beginning of the Peloponnesian war, to about six hundred talents. It rose, however, to a further height of thirteen hundred talents, an increase effected partly by the addition of new allies, partly by higher assessments of the tribute.[3] For the payments were regulated afresh from time to time, and as a rule every five years, and in the case of the individual States were sometimes moderated and sometimes raised. The motive forces here prevalent were as a rule partiality and favour rather than justice; and the allies were given all the more reason to complain, since it was not the needs of the actual war, and their common interests, but solely the particular interest of Athens, which was kept in view in the revision. We learn from more than one inscription the division of the collective body of allies, from whom tribute

[1] Thuc. vi. 91.
[2] Plut. *Pericl.* c. 12.
[3] Cf. Böckh, *Staatshaushaltung*, ii. 626.

was due, into provinces—Caria, Ionia, the islands, the Hellespont, Thrace,—and also the assessments for many individual States, which it seems beside our purpose to mention here. Only this may be remarked, that a part of the tribute, one mina in the talent, *i.e.* $\frac{1}{60}$, was paid as *ἀπαρχή* into the treasury of the tutelary goddess of the city,[1] and that the time of the payment was, as a rule, in the spring, when the festival of the great Dionysia was celebrated. If the allies did not make their payments at the proper time, these were often collected by commissioners specially sent out (*ἐκλογεῖς*), and sometimes even forcibly exacted by troops despatched for the purpose (*ἀργυρόλογοι*).[2] For a time, from about Ol. 91. 2 (B.C. 415), the Athenians, instead of the tribute, raised a tax of one-twentieth on the imports and exports by sea in all the allied States subject to them, because this seemed easier to collect, and perhaps also less oppressive than the direct payment. They soon, however, returned to the tribute.[3] On the other hand, about Ol. 92. 2 (B.C. 411), a tax of one-tenth was imposed, in the Bosporus, at Byzantium, upon all ships going in or out of the Black Sea. This of course fell not only upon the allies, but also upon others, and lasted as long as the Athenians retained possession of the strait.[4] After the disastrous result of the Peloponnesian war, they lost this revenue as well as the tributes of their allies; but as their power again rose, the toll at Byzantium was once more instituted, just as the tributes were introduced afresh under the milder name of contributions (*συντάξεις*).[5] With regard to the sum produced by the tributes in this latter time, we are without any information whatever. In the earlier period, the fund formed by the tribute had been under the administration of ten Hellenotamiæ, who were chosen annually, and as it seems by lot, but certainly only from the highest of the property classes. In the later period they were not again instituted; but it cannot be stated[6] with

---

[1] Böckh, *Staatsh.* ii. p. 621; cf. Köhler, *Monatsber. d. Berl. Akad. d. Wiss.* 1865, p. 214.

[2] Böckh, *Pub. Ec. of Ath.* pp. 156, 177; *Staatsh.* ii. 582.

[3] *Pub. Ec. of Ath.* p. 325; *Staatsh.* ii. 588.

[4] *Pub. Ec. of Ath. l.c.* Grote, *Hist. of Greece*, iv. 424, thinks that Herodotus (vi. 5) necessitates the conclusion that this sound toll was exacted long before, when the Persians retained their superiority; but any one who reads the passage will find that no toll, but only captured ships are there spoken of. It is still more wonderful to find that the article *τὴν δεκάτην*, Xen. *Hell.* i. 1. 22, is regarded as a proof that this toll had previously existed there.

[5] Cf. the statements in Schäfer, *Demosth.* i. 28.

[6] That the war paymasters, *ταμίαι τῶν στρατιωτικῶν*, who are mentioned, though rarely, in the time subsequent to Euclides, were an extraordinary authority appointed only in war times has already been remarked. See *ante*, p. 419.

certainty what other authority took their place. Only this much is clear, that the tribute was soon diverted a second time from its original destination, that of forming the war fund, and was applied to other purposes, especially to the Theorica, in which case, accordingly, it must have fallen to the supervisor of the Theoric fund.

Though the ordinary revenues of the Athenian State were sufficiently large not only to satisfy fully, during peace, the needs of the administration, but also to afford a considerable surplus, yet long and costly wars or other unfavourable circumstances often caused the State treasury to be exhausted, and made it necessary to cast about for extraordinary means of assistance. Such means were, in the first place, loans, effected sometimes within the State itself, sometimes in foreign countries. But of this latter kind particular instances are scarcely found; nor can we bring forward any indisputable instance of loans from private individuals at home.[1] With all the more frequency, however, was money borrowed from the temple funds, especially from that of the tutelary goddess of the city, though it was a religious duty to replace it as soon as possible.[2] Frequently also recourse was had to the resource of calling upon the citizens and resident aliens for voluntary contributions (ἐπιδόσεις). The call was made in the Popular Assembly. Any one who desired to contribute, whether in money, ships, or arms, gave in his name,[3] either there or to the Council, and caused his name, and the amount of his contribution, to be entered in a list; this entry of course pledged him to furnish what he had promised. The names of those who did not fulfil their pledge were made known to the public by a notice posted at "the Eponymi," and measures of compulsion could, there is no doubt, be taken against them, though our authorities give us no further particulars on the point. Particular measures of finance, which may be mentioned by way of example, were the debasement of the coinage already spoken of, which took place towards the end of the Peloponnesian war,[4] the tax laid by Iphicrates upon upper stories projecting over the street, and upon house-doors opening outwards,[5] and the monopoly of the State with regard to lead, proposed by one Pythocles, though with regard to this we do not know whether it actually came into execution.[6] A measure, however, which

[1] Cf. Böckh, *Pub. Ec. Ath.* p. 587.
[2] Böckh, *Staatshaush.* i. 581 *seq.* [The passage is not in the English translation.]
[3] Dem. *in Mid.* p. 566, § 161; Isæ. *Or.* 5, § 37; cf. *de Comit.* p. 292, and Meier, *Comm. Epigr.* ii. 58.
[4] See p. 399.
[5] Böckh, *Pub. Ec. of Ath.* p. 598.
[6] *Ib.* pp. 30 and 52.

was applied very rarely in the earlier period, but frequently in later times, after the Peloponnesian war, was the proclamation of a tax on property, or more properly on income, εἰσφορά. As long as Solon's division into classes existed, even though the census-limits of the classes were altered from time to time, these limits were taken as a basis in imposing the tax, although originally they were not, properly speaking, introduced for this purpose. A grammarian[1] states that the Pentacosiomedimni contributed a talent; the knights thirty minæ, or half a talent; the Zeugitæ ten minæ, or one-sixth of a talent; and some have attempted to interpret this enigmatic statement as being[2] based upon an estimate of the total amount required at a hundred minæ. Of this total contribution, they say, sixty per cent., or one talent, fell upon the Pentacosiomedimni; thirty per cent., or half a talent, on the knights; and the remainder, ten per cent., or ten minæ, on the Zeugitæ; and each class then apportioned the share which fell upon it among its own members. Such a division would, however, only be admissible on the supposition that the total of the property of the Pentacosiomedimni was to the total of the property of the remaining classes in the same proportion as the shares of the tax, *i.e.* as 60 to 40, or, which is the same thing, that three-fifths of the whole of the taxable property was in the hands of the Pentacosiomedimni,—a supposition which will be rejected by every one who has any knowledge of the subject. The correct interpretation has without doubt been perceived by Böckh,[3] who assumes that, for the purpose of taxation, the property in each class was calculated at twelve times the income. In the case of the Pentacosiomedimni, accordingly, who had a clear income of at least five hundred medimni or metretæ, their total property was valued at $12 \times 500 = 6000$ medimni or metretæ, or at 6000 drachmæ, *i.e.* a talent,—a medimnus or metretes being valued at a drachma. In the case of the knights, with a minimum of 300 medimni, their property was valued at $12 \times 300 = 3600$ drachmæ; and finally, in the case of the Zeugitæ, with a minimum of 150 medimni, at $12 \times 150 = 1800$ drachmæ. The whole of the property, calculated in this manner according to the income, was not, however, brought into the calculation when the tax was assessed, except in the case of the Pentacosiomedimni; in the case of the two other classes only aliquot parts were assumed—five-sixths in the case of the knights, and therefore

[1] Pollux, viii. 130.
[2] Hüllmann, *Gr. Denkwürd.* p. 52.
[3] *Pub. Ec. of Ath.* pp. 497 *seq.* This is not the place to examine some criticisms of Telfy, *Corpus juris Attici*, pp. 531-535.

3000 drachmæ, or half a talent, instead of 3600 drachmæ; in the case of the Zeugitæ five-ninths, and therefore 1000 drachmæ, or ten minæ, instead of 1800 drachmæ. This property of each class, which was taken into consideration for the purpose of taxation, is called their τίμημα, or, as Böckh translates it, their "taxable capital" [Steuercapital]; and it is this that we are to understand in the statement of the grammarian referred to above. If now, for instance, a tax of $\frac{1}{50}$ was proclaimed, the Pentacosiomedimnus had to pay the fiftieth part of a talent (6000 drachmæ), *i.e.* 120 drachmæ; the knight, however, had only to pay the fiftieth part of half a talent, or sixty drachmæ, and the Zeugites only the fiftieth of ten minæ, or twenty drachmæ. The excess due from those who possessed more than the minimum of their class could be calculated under this system in a corresponding manner. The Thetes were no doubt, on the whole, poor, and consequently exempt from taxation; but so long as all were ranked among the Thetes who owned no landed property, or none so large that its produce reached the qualification of one of the three higher classes, there must have been men in better circumstances in that class, and many members of it might gain more by commerce or the pursuit of a trade than was produced by the income of a property of the second or third class. Such wealthier men, the number of whom, in the course of time, must of necessity increase the more that commerce and trade flourished, could not possibly remain exempt from taxation like the remaining Thetes, even if they were not distinguished from them as regarded their political position. In what way they were brought under taxation, however, we are the less able to say, since we are not even clear whether a mode of taxation according to the system of classes devised by Solon existed as early as the time when the three upper classes still contained none but possessors of land. When, however, this mode of taxation demonstrably did exist, an alteration had, it is highly probable, been adopted with regard to the system of classes. The old titles indeed were retained;[1] but the exclusion from the upper classes of those persons who had no landed property ceased. The capitalist, merchant, or manufacturer, if his income equalled that of the Pentacosiomedimni, the knights, or the Zeugitæ, belonged to one of these three classes, both enjoying their rights and bearing their burdens. The first Eisphora of which we have any information was imposed

[1] *E.g.* Pentacosiomedimni are named by an inscription of the period just subsequent to Euclides, in Rangabé, *Antiquités Helléniques*, no. 2323. 12.

Ol. 88. 1 (B.C. 428).[1] Whether it was the first of all, or only the first in the Peloponnesian war, is not quite clear. This mode of taxation, however, continued to exist until Ol. 100. 3 (B.C. 378), in the archonship of Nausinicus, when another mode was adopted, with regard to which, however, we have practically no information. We have only two statements referring to it. From the one we learn that the *τίμημα* in the highest property class amounted to one-fifth of the property; from the other that the *τίμημα* of the whole country was reckoned at 6000,[2] or more properly at 5750 talents.[3] Here again, possibly, the *τίμημα* denotes an aliquot part of the property, as was the case, as we stated above, with the earlier mode of taxation. Böckh has understood it in this way, and has accordingly undertaken to determine, conjecturally, the *τιμήματα* of the remaining classes. The 5750 talents would then be the total of all the taxable capitals, or all the property-quotas on which taxes were levied in the whole country. It is, however, not impossible that *τίμημα* now meant something different, viz., the income produced by a property, or which it is assumed that a property will produce, and according to which the property is taxed. If therefore the *τίμημα* of a property of fifteen talents, which at that time was the qualification of the first class, is stated at three talents, this will indicate that the income produced by a property of that amount was estimated as high as this; and this ought not to be considered incredible, for, from what we have seen above concerning the return from capital,[4] a revenue of twenty per cent. might well be assumed. Property of less amount was without doubt charged with a *τίμημα* estimated at a lower rate, *e.g.* at ten or fifteen per cent. The 5750 talents would then be the sum-total of all these percentages, which were reckoned as the taxable portion of the whole income of those liable to taxation.[5]

We are somewhat better informed with regard to another arrangement devised at the same time in aid of the taxation, the so-called Symmoriæ, or tax-unions. From each of the ten Phylæ a selection was made of 120 of the most wealthy men,

---

[1] Thuc. iii. 19.

[2] Dem. *in Aphob.* i. p. 815. 10, ii. p. 836. 25; Dem. *in Aphob. de falso testimonio*, p. 862. 7; on these passages, Böckh, *Pub. Ec. of Ath.* p. 515 *seq.*

[3] Polyb. ii. 62.

[4] Cf. p. 435 *seq.* The expression of Polybius, *τὸ τίμημα τῆς ἀξίας*, may conveniently be interpreted "estimate of taxability."

[5] Another view, deviating from that of Böckh, is attempted to be substantiated by Bake, *Schol. hypom.* iv. 137; but the exact character of it I am not in a position to say, as I have not understood the writer; indeed, it has seemed to me as though he himself does not know what he is aiming at.

and these were divided into two Symmoriæ of sixty persons, so that the whole number of the Symmoriæ amounted to twenty, and that of the persons included in them to 1200. From each Symmoria fifteen of the wealthiest men were again chosen, so that of this second body there were three hundred from all the twenty Symmoriæ. These three hundred were under an obligation, when a tax was proclaimed, to advance the money for all; this money the remaining members of the Symmoria were then afterwards bound to repay them. But the tax was not by any means paid only by those who happened to be members of the Symmoriæ, but also by all the remaining citizens, as many as were not exempt from taxation on account of their poverty, or in consequence of special concessions; and to this end all were assigned to one or other Symmoria, though not properly included in it as members (Symmoritæ); and it was the duty of the members, in the proper sense of the term, to bring every one, according to his property, under the operation of the tax.[1] This arrangement clearly aimed at accelerating the raising of the taxes, though it was indeed liable to abuse by the Symmoritæ making an unfair division of the burden, and shifting it from themselves to the poorer citizens who were not included in the Symmoriæ. To attend to its business each Symmoria had its presidents (ἡγεμόνες), curators (ἐπιμεληταί), and distributing assessors (διαγραφεῖς or ἐπιγραφεῖς). The official body under whose supervision this arrangement was placed was the Strategi, because the tax was only proclaimed for the purpose of carrying on war. They had accordingly the power of decision in disputes arising out of the imposition of the tax, between those from whom it was due; disputes, for instance, having reference to the advance that had to be made by the Three Hundred, or such as arose when any one considered himself disproportionately burdened, or maintained that another person should have been called upon instead of himself. In this case an offer to exchange property might be made; of this we shall have more to say presently in the case of the trierarchy, where this was likewise possible. Further, the resident aliens were also brought under the operation of these war-taxes, and were therefore likewise divided into Symmoriæ; particulars of this, however, are not known to us.[2]

---

[1] Cf. *Antiquitates*, p. 323, note 16, with which Böckh's latest account (*Staatshaushaltung*, i. 688) is in accordance.

[2] Cf. Böckh, *Pub. Ec. of Ath.* p. 537 *seq.* Böckh thinks it probable that the metœci had to pay an average assessment of 16 per cent.

But it was not only by taxation of its members that the State met its financial needs, but also by many other kinds of services which it demanded from them, and which, though not, like the former, producing an income, yet nevertheless saved an expense. Such services are called Liturgies.[1] They are partly ordinary or "encyclic"—such, that is, as occurred annually, even in times of peace, according to a certain order, and which all bore some relation to worship and to the celebration of festivals[2]—and partly extraordinary, for the needs of war. Among the former class the most important is the so-called Choregia, *i.e.* the furnishing of a chorus for musical contests and for festivals which were celebrated by dramatic representations, such as tragedies, satyric dramas, and comedies, by festal hymns or dithyrambs, or with musical performances by players on the lyre or flute, or with dances, *e.g.* from Pyrrhichistæ and the like. It was the duty of the Liturgi (*i.e.* choregi) to collect the persons required for the chorus, and to pay those who were not bound to appear gratis; to have them instructed and exercised, to maintain them for this period, to provide them with the proper dresses and ornaments for their appearance in public;[3] services which assuredly caused them not only trouble and annoyance, but also, in the cases of magnificent and numerous choruses, great expense as well. We read, for instance, that in two choregiæ for tragedies a sum of five thousand drachmæ was spent, and three thousand drachmæ for a single tragic choregia. On the other hand, we are told that only three hundred drachmæ was spent for a cyclic or dithyrambic chorus, seven hundred drachmæ for a chorus of pyrrhichistæ consisting of boys, sixteen hundred drachmæ for a comic chorus; and even if the choregi, either from a more lively interest in the matter, or from ambition and effort to gain favour with the people, often did more than was absolutely necessary, yet the mere Liturgy in itself was far from being an inexpensive service, but was one from which the majority of citizens were glad to find themselves exempted. Hence, in the time of Demosthenes, when prosperity had in general decreased, it was difficult to find the number of choregia requisite for the feasts, so that the State itself was compelled to take over the choregiæ. For a like reason many choruses were probably abolished entirely, as is known to have happened in the case of comedy.

---

[1] *i.e.* properly services for the people, from λεῖτον and ἔργον. For λεῖτος (λέϊτος, λήϊτος), from λεώς (λαός) is = δημόσιος.

[2] Dem. *Leptin.* § 125.

[3] Cf. Böckh, *Pub. Ec. of Ath.* p. 454 *seq.*

A similar though less burdensome Liturgy was the Gymnasiarchy for those feasts which were celebrated with gymnastic contests.[1] The gymnasiarch, as it seems, was compelled to have all who wished to come forward as competitors trained in the gymnasia, to furnish them with board during the time of training, and at the games themselves to furnish the necessary fittings and ornaments of the place of contest. At some feasts there were races with lighted torches, both on foot and on horseback, and the function of defraying the expenses requisite for this is also a Liturgy allied to the Gymnasiarchy, and is called Lampadarchia. According to a statement of Lysias, each gymnasiarch for the Promethea, a feast celebrated with torch racing, had spent twelve hundred drachmæ in the performance of his function. Another Liturgy was the Archetheoria, or the undertaking of a festal mission (Theoria) such as the State sent to various festivals outside Attica, and of which the costs, though no doubt partly met out of the public funds, had partly to be borne by the Archetheorus. When this personage felt it incumbent on him to represent the State in a worthy manner, such expenses might often be considerable.[2] Besides these there were many other liturgic services of which less is known, *e.g.* the Arrhephoria, of which we can say nothing further than that it had reference to the procession which was held in honour of Athene in the month of Scirophorion, and where the so-called Arrhephoroi, four maidens from the noblest gentes, had to serve, who also took part in the preparation of the sacred Peplus. Another such service was a kind of trierarchic Liturgy in the case of the festal contests and sham-fights of the ships, and also perhaps one or two others. Liturgies moreover existed within the various Phylæ and Demes, consisting partly in entertainment of the members on festal occasions, partly in choregia and gymnasiarchia at the festal games celebrated in the Demes.[3]

The Liturgies, or at least those which were to be furnished for the whole State, were only required by law from the richer men, *i.e.* those whose property amounted to more than three talents; nor were these compelled to furnish them if their property consisted of a share in the mines, because in that case they had already made a payment to the State.[4] Many persons enjoyed freedom from Liturgies by special concession, others in virtue of their office, *e.g.* the Archons during their period of

---

[1] Cf. Böckh, *Pub. Ec. of Ath.* p. 461 *seq.*

[2] *Ib.* p 214 *seq.*

[3] Böckh, *Pub. Ec. of Ath.* p. 465; Schömann on Isæus, pp. 221, 265, 387.

[4] Böckh, p. 311.

service. Again, unmarried heiresses were exempt, as also were orphans until the first year after attaining their majority. No one, again, was bound to serve more than one Liturgy at a time, or two Liturgies in two directly successive years.[1] With regard moreover to the serial order in which the persons liable were to be called upon there were naturally certain legal provisions, the application of which however to each particular case naturally demanded a special consideration; for this reason it was necessary specially to discuss and decide the question in the Phylæ, for these had as a rule to appoint each individual Liturgus. Any one who was not satisfied with the decision, but considered another person liable instead of himself, might, as in the case of the Eisphora and Trierarchy, move for an exchange of property. From this a lawsuit often arose, which was probably tried before the functionary to whose department belonged the superintendence of the festival in question.

More important and more costly than all these ordinary or encyclic Liturgies was the extraordinary Liturgy of trierarchy, *i.e.* the equipment of a ship of war; for, from the time when the Athenians no longer restricted themselves to triremes only, but also possessed Tetreres, Penteres, and Triakontori, the name was also used with reference to them.[2] Before the Persian wars the number of the war-ships was very small; each of the forty-eight, or, after Clisthenes, fifty Naucrariæ had to equip a ship;[3] but the manner in which this was managed is unknown to us. When the fleet had been increased, and Athens had become primarily a naval power, the Naucrariæ no longer existed. It is said that when Themistocles persuaded his fellow-citizens to abolish the division hitherto customary of the produce of the silver mines at Laurium, and to apply the money to the fleet, he at the same time devised the regulation by which a hundred of the wealthiest men were selected, each of whom received a talent, and was obliged in return to furnish a trireme.[4] In later times those who had to serve as trierarchs on each occasion were designated by the Strategi. Here, of course, a certain rule and serial order had to be observed, though we are unable to give any further particulars concerning it. Only the rich were liable to this obligation. The term "trierarchic property" is often used for a considerable degree of wealth, but its precise amount is nowhere stated. If,

[1] Cf. *Antiquitates*, p. 329, notes 16-19.

[2] Böckh, *Seeurkunde*, p. 167.

[3] Thus also in the war against Aegina, shortly before the first war with Persia, the Greeks had only fifty ships, in addition to which they borrowed twenty from the Corinthians.—Herod. vi. 89.

[4] Polyæn. i. 30. 5, p. 64, Maasv.

as we are informed in the short treatise on the Athenian State,[1] four hundred trierarchs were to be appointed annually, a trierarch is probably reckoned to each ship. Instances, however, occurred of syntrierarchi; *i.e.* the Liturgy for a ship was met by two persons jointly. The earliest demonstrable instance of this belongs to Ol. 92. 2 (B.C. 411.)[2] The State delivered the ship *i.e.* the hull and the mast, while the trierarchs had to provide the requisite stores, to see to whatever improvements were necessary, and to appoint the crew. The pay for the latter was provided by the State, which in later times also found the stores; of these, however, many trierarchs did not make use, but provided them from their own property, in order to prove their patriotism. Others, on the contrary, sought to make the burden as light as possible to themselves, and instead of rendering the service personally, turned it over by contract to substitutes, who of course furnished as little as possible.[3] As the requisite equipments, under the system previously existing, were partly not available till too late, and partly of bad quality, and were sometimes altogether neglected, the system of Symmoriæ, which had been introduced at an earlier date for the Eisphora, was adopted in Ol. 105. 3 (B.C. 358), for the trierarchy as well. The manner of its application was either that the same Symmoriæ served for both objects, or that the Symmoriæ of the trierarchy were at least wholly analogous to those of the Eisphora. To me the first alternative seems more probable:[4] but if it was so, the burden of course fell only on the rich who were actually included in the Symmoriæ, and the poorer members, who were attached to them for the purposes of the Eisphora, remained exempt. Each Symmoria had assigned to it a certain number of ships, which the members then again divided amongst themselves, so that the contributions for a ship had to be furnished now by a larger, now by a smaller number. Those who had to contribute in this manner were termed *συντελεῖς*. But even under this arrangement the three hundred wealthiest men who stood at the head of the Symmoriæ found means to shift the burden for the most part from themselves to the remaining members. At last, therefore, Demosthenes proposed another method of proceeding by which

---

[1] Pseudo-Xen. *de repub. Ath.* c. 3, § 4. As to the number of the ships, cf. Strabo, ix. 395.

[2] Böckh, *Pub. Ec. of Ath.* p. 548.

[3] *Ib.* p. 555.

[4] Cf. *Antiquitates*, p. 327; Sauppe, *Ep. crit. ad G. Hermann*, p. 130; Vömel, *Zeitschr. für Alterthümsw.* 1852, p. 38; Bake, *Schol. hypomn.* iv. p. 156; Westermann on Dem. *Olynth.* ii. p. 29: on the other side, Böckh, *Staatsh.* i. p. 727; *Pub. Ec. of Ath.* pp. 564, 526, and *Urk.* p. 178.

trierarchy became a fixed and adequately assessed tax. The contribution according to Symmoriæ was abolished, and in its stead it was ordered that all, with the exception of the poorer citizens, should bear the cost in proportion to their property, and in such measure that every ten talents of property constituted an obligation to the equipment of a ship. Each person, therefore, who possessed ten talents furnished the trierarchy for one ship; each one who possessed twenty, for two, and so on; but those who possessed less than ten talents were grouped with others until the property of the group reached the total of ten talents, and each individual had to contribute according to his property.[1] The period of the contribution was, as before, a year; those who had borne it for this period had a claim to exemption in the next, and in certain cases in the two following years, even though it be true that many persons made no use of this privilege.[2] The annual cost of a ship amounted on an average to from forty minæ to a talent. After the performance of the service, the trierarch who had equipped and commanded the ship was bound to render an account before the Logistæ, a circumstance which need not strike us as strange, since he was under an obligation to deliver back in good condition the ship and stores intrusted to him by the State, and besides this received money from the State treasury, whether for the payment of the crew, or for other needs.[3] The authority to whom he had to deliver up the ship and the stores were the Epimeletæ of the Neoria, who prosecuted him if he did not do so.[4] The trierarch was further bound to remain on the ship until relieved by the successor appointed in his stead. If the latter did not arrive at the time the law appointed, the former could summon him (*δίκη τοῦ ἐπιτριηραρχήματος*)[5] on account of the injury caused him thereby. If any one was of opinion that the service ought to be imposed on another person, and not on himself, he might summon the latter to an exchange of properties (*ἀντίδοσις*) in the same manner as with regard to other Liturgies.[6] In this case he was permitted at once to attach the property of the other, and to put seals on his house, the other party having in his turn the same right with regard to him. Within three days the two exchanged an inventory of their property, the correctness of which they had to certify on oath. If the one party then persisted in demanding the exchange, and the other in refusing it, the matter was dealt

[1] Böckh, *Pub. Ec. of Ath.* p. 564 *seq.*
[2] *Ib.* pp. 543, 544; cf. *Urk.* p. 171.
[3] *Ib.* p. 546.
[4] Cf. *Urkunde*, pp. 491, 534.
[5] *Att. Proc.* p. 551.
[6] Böckh, *Pub. Ec. of Ath.* p. 580 *seq.*

with in form of law under the conduct of the Strategi (*i.e.* in the case of the trierarchy; in the case of other Liturgies other magistrates presided). The court then had to decide whether the person summoned was bound either to take the Liturgy upon himself or to exchange his property with the person summoning him; or whether, on the other hand, this latter was bound to take the Liturgy, and therefore to withdraw from his demand upon the other. But the matter rarely or never came to an actual exchange, inasmuch as the person summoned, if presented by the judges with the alternative of either taking over the Liturgy or exchanging his property with that of the person summoning him, certainly preferred to choose the former. Many persons, however, allowed the matter to proceed so far as to be submitted to a judicial decision.

If now in conclusion we cast a glance once more over all these services which were imposed on the wealthier citizens, it will certainly seem as if the author of the little treatise on the State of Athens was correct in saying that the Demus, by charging the rich with this outlay—which, moreover, in the case of the encyclic Liturgies, were mainly for the benefit and gratification of that Demus itself—aimed at their impoverishment and degradation. But on an unprejudiced consideration, the matter should appear in a somewhat different light. It is certainly undeniable that if the Liturgies were not apportioned with justice and fairness among those liable to them, individuals might be, and actually were, severely burdened by them; and it is also certain that many, out of vanity or to gain popularity, exerted themselves above their strength, and lost their property by undertaking them. Yet these were probably exceptions to the rule. With a just division, such as the laws prescribed, and with a reasonable limitation to what was required by law, without niggardliness, as well as without unnecessary excess, the expense was not too great to be met from the revenues of the wealthier citizens without touching the substance of their capital. We must only not forget that the produce of capital in ancient times was incomparably greater than with us; that, with slavery existing, the earnings of the capitalist were greater in proportion as the share of the labourer was less; that, as we have seen, a capital of which good use was made might within a few years double itself; and we shall be compelled to admit that every sum applied to liturgies was, relatively to the property of the person who furnished it, not half so important as the like sum, relatively to the like property, would be at the present day.

9.—The System of Judicature.

The organisation of the system of judicature, as arranged by Solon, is not unjustly considered by ancient political writers as one of the main levers which, little by little, served to raise the democracy far above the limit intended by him, and allowed it to reach the height at which we see it subsequently to the age of Pericles. In forming this opinion they have in mind the Heliastic courts or popular tribunals instituted by Solon; courts which by degrees, in consequence of the undefined extent of their functions, gradually came to decide, as the supreme tribunal, on all matters whether of administration or of legislation, and thus actually served sensibly to contract the supremacy of the popular assembly. But besides these Heliastic courts there were also others, some certainly, some probably, dating from a time anterior to Solon, the sphere of whose functions was more limited; and it may not be inappropriate, before we consider the former, to speak of this class as well.

The right of judging cases of blood-guiltiness,—that is to say, murder, manslaughter, and similar crimes, including especially arson,—was exercised, from time immemorial, at five different places. The selection of these for the individual classes of cases there to be dealt with is accounted for by myths, which testify at any rate to the high antiquity of these ordinances. These five places were on the Areopagus, a hill to the north-west of the Acropolis; in the Palladium, a sacred place situated in the south-eastern part of the city; in the Delphinium, a place sacred to the Delphic Apollo in the same district; in the Prytaneum, the ancient sacred hearth of the State in the north-east of the Acropolis; and finally, at Phreatto or Phreattys, in the Piræus, at the inlet of Zea. Draco instituted a board of fifty-one assessors, chosen from the most eminent Eupatridæ, in order to administer justice, under the presidency of the second Archon, the Basileus, in these five places; that is, now in one and now in another, according to the different circumstances of

---

[1] Aristotle, *Pol.* ii. 9, § 2, 4; Plut. *Solon*, c. 18.

[2] The proofs of this are to be found in Matthiæ, *de Judicibus Atheniensium*, *Misc. Philol.* ii. p. 149 *seq.* As regards the Areopagus in particular, Æschylus is the first who regards that court as having been first instituted to try Orestes: the other versions of the myth make it much older. This is all I have maintained against Rubino, and not, as Hermann (*Staatsalterthümer*, § 105, note 6) makes me assert, that Æschylus was the first to bring Orestes into connection with the Areopagus.

each case. What judges sat in them in the period before him is unknown, but it is certain that the Basileus, as the chief superintendent of religious matters, held the presidency even at that early time, the reason being that all matters which were to be dealt with in these places were regarded as connected with religion. Some have thought that before Draco the Basileus alone administered justice, and that the Ephetæ were instituted in order that appeals might be made from him to them, and they believe that proof will be found for this in the name, which, they say, denotes judge of appeal.[1] But not only is this meaning of the name, in my opinion, incapable of proof, but it is also hard to believe that matters of such importance can have been left to the judgment of a single judge; since as early as the Homeric poems,[2] and with regard to less important matters, we see that judgment is given by an assembly of several judges. The Basileus had assessors, then, even before the time of Draco, and it is highly probable that these were the same persons, either the whole number or a committee of them, who assembled as a high council upon the Areopagus; and that Draco's innovation consisted only in instituting a particular board especially for these courts. The term Ephetæ, or directors (*sc.* of justice), was applied to them because they had to give directions in each case how the person summoned or condemned should be dealt with.[3] Solon allowed the board to remain, but withdrew from it the most important part of its functions, transferring to the Council of the Areopagus, as transformed by himself, the jurisdiction in cases of premeditated murder, of homicide by poison, of malicious wounding with intent to murder, and of arson, so that the old board retained only the less important cases. What these were we shall learn presently.

As regards the procedure before these courts, we are informed by our authorities that if it was desired to prosecute in a case of homicide, however committed, the law summoned the relations of the murdered man to undertake the task. First the blood-relations, up to and including the children of first cousins, were bound to institute the prosecution, while more distant relations, such as fathers-in-law, sons-in-law, brothers-in-law, and even members of the same Phratria, were bound to give them their support in so doing.[4] In the case of the murder of a freed-

[1] Pollux, viii. 125; cf. *Att. Proc.* p. 16; *Antiquitates*, p. 171. 5.

[2] Cf. p. 28.

[3] See what has been said above, page 410 *seq.*, regarding the name of the Thesmothetæ.

[4] Demosth. *in Euerg.* 1161. 10; Law quoted in Demosth. *in Macart.* p. 1068. 29; Schömann, *Antiquitates jur. publ. Græc.* p. 288, note 4.

man or servant, his former master or employer, and in the case of the murder of a slave, his master, was entitled to institute the prosecution,[1] though not obliged to do so. If the master himself was the murderer of the slave, there were certainly means to make him responsible for his act; since the laws in no way granted to the master the power of life and death over his slaves;[2] but such a case did not belong to the jurisdiction either of the Areopagus or of the Ephetæ. These tribunals, on the contrary, were especially instituted solely for the object of providing the persons who were called to avenge bloodshed with a legal means by which they could fulfil their religious duty without violence, and without taking the law into their own hands. But Attic law, besides these, afforded other means of bringing a murderer to punishment, means capable of application by every citizen in the full possession of his civic rights, and not merely by the relatives of the murdered man.[3]

According to the religious view of antiquity, the murderer was accounted impure: he was exposed to the wrath, not only of the soul of the murdered person, which demanded revenge, but also of the gods, to whom the murder was an abomination, and, at the same time, through the murderer, all those who had suffered him in their midst unpunished, and had had intercourse with him, also became impure and objects of the same wrath.[4] For this reason the prosecutor began his proceedings with a solemn proclamation (*πρόῤῥησις*) which bade the murderer keep away from all public places, assemblies, and shrines. This proclamation took place first at the burial of the murdered person, though the murderer was not, as a rule, present there; next in the market, where the murderer at the same time was bidden to surrender before the court; and, finally, it was uttered by the Basileus, when the indictment was brought in and taken for hearing before him.[5] Then followed the drawing up of the indictment, or the preliminary investigation, *ἀνάκρισις*, in this case also called *προδικασία*. In it the Basileus had especially to ascertain whether the prosecution should properly take place before the court selected by the prosecutor, or elsewhere.[6] It might appear, for instance, that the homicide designated by the prosecutor as intentional had, in fact, been unpremeditated; in which case its proper

---

[1] *Antiquitates jur. publ. Græc.* p. 289, 6.

[2] See above, p. 350.

[3] Cf. *Att. Proc.* on the Apagoge, Endeixis, and Eisangelia against murderers. pp. 230 *seq.*, 244, 263.

[4] Cf. Schömann on Æsch. *Eumen.* p. 69, with Numbers xxxv. 33.

[5] *Antiquitates jur. publ. Græc.* p. 289 *seq.*

[6] *Ib.* p. 291.

place was not before the Areopagus, but before the court at the Palladium. Or it might be that it had been of a kind which the law regarded as undeserving of punishment, in which case its proper place was before the court at the Delphinium. For this inquiry three stages were appointed, falling in three successive months, so that the matter could not come on for decision till the fourth month. And since the law likewise ordained that the matter should be decided under the same Basileus during whose period of office it had been first brought forward, it followed that prosecutions of this kind could not be instituted at all in the three last months of the year, but had to be postponed until the next year.[1] The proceedings were taken, not at the official residence of the Basileus, situated in the market, inasmuch as, in conformity with the proclamation above mentioned, the accused person might not set foot in it, but in the regular places which were situated at some distance from the market, according as the circumstances of the case determined. Moreover, the case was apparently tried, not before the Basileus alone, but before the Basileus in conjunction with the judges, whose duty it was to give a verdict upon them later on. All these localities were open to the sky, in order that prosecutors and judges might at least not stay under the same roof with the murderer;[2] and the Basileus, during the trial, removed from his head the garland which was his badge of office.[3] The parties to the cause stood on special platforms; in the Areopagus these were unhewn stones—that of the prosecutor being called the stone of *ἀναίδεια* (the "stone of implacability," not "of shamelessness"), that of the accused the stone of *ὕβρις*, or malicious wickedness.[4] Both parties were bound by an oath of extreme solemnity, in taking which they advanced to and touched the carcasses of animals sacrificed for the purpose with particular ceremonies—the animals being a boar, a ram, and a steer. The oath of the prosecutor, besides testifying to his persuasion of the truth of his plaint, bore witness also to the degree of relationship in which he stood to the murdered man.[5] Not less solemn was the oath of the witnesses. Each party was bound to conduct its own cause; the employment of advocates as substitutes was prohibited, as also the introduction of irrelevant matter. The final trial lasted three days; upon each of the first two the prosecutor spoke, and the accused person defended

[1] *Att. Proc.* p. 579, note 17.
[2] Antiph. on *Herodes Erm.* p. 709.
[3] Pollux, viii. 90.
[4] The correct interpretation is due to Forchhammer. See his *Vorrede zum Index Schol. d. Kieler Universität* for the winter of 1843-44.
[5] On this point, and on the details which follow, I will merely refer once for all to *Antiquitates*, p. 291 *seq.*

himself; upon the third the judgment was delivered. But the accused person was permitted to evade the verdict after the first stage in the proceedings[1] by leaving the country. He was then not prosecuted further personally, but his property was confiscated. If a division was taken, and the number of votes on both sides was equal, the accused person was acquitted. If he was condemned, he was subject, if found guilty of an intentional homicide, to the punishment of death, at the infliction of which the prosecutor could be present; his property also was confiscated. If his crime was malicious wounding, not actually followed by death, he was banished, and his property likewise subjected to confiscation.

The form of proceeding above described is that which took place before the Areopagus. Between it and the procedure before the tribunals of the Ephetæ at the Delphinium and Palladium there was probably no essential difference. To the first of these two belonged the cases in which the accused person admitted the commission of homicide, but defended his act as one which the law exempted from punishment or permitted. The law permitted the slaying of an adulterer, who might be slain by any person with whose mother, sister, daughter, or wife, or even unmarried concubine (not being a slave, and by whom he had non-slave children), he was taken in the act of adultery. To the class of homicides exempt from punishment belonged homicide in necessary defence against assailants and robbers who offered armed violence, and unintentional killing of an adversary in trials of strength, or of a comrade in war.[2] The tribunal at the Palladium took cognisance of the other cases of unpremeditated homicide, as also the killing of a slave or non-citizen.[3] The same court decided with regard to the indictment for Buleusis, *i.e.* in cases where a man was accused of having effected, or even aimed at the death of another, not by his direct action, but through the agency of another person instigated by him.[4] The punishment of Buleusis was outlawry and confiscation; unpremeditated homicide was expiated by banishment from the country, which however was not per-

[1] This was forbidden only to those accused of parricide. Cf. Pollux, viii. 117, and Meier, *de bonis damnatorum*, p. 18.

[2] Demosth. *in Aristocr.* pp. 637, 639.

[3] According to the Schol. on Æsch. *de Fals. Leg.* § 87.

[4] That βούλευσις was, properly speaking, dealt with by the Palladium, is stated by Harpocration, on the authority of Isæus and Aristotle; but he remarks at the same time that after Dinarchus its place was before the Areopagus. Both statements can to some extent be reconciled by the assumption that if the attempt succeeded, the Areopagus was the proper authority; in other cases the Palladium. Another conjecture is put forward by Sauppe, *Orat. Att.* ii. 235.

petual, but limited to a certain period, which cannot be stated more precisely, and after the expiration of which the homicide had to obtain pardon from the relatives of the person slain.[1] How the killing of a slave was expiated our authorities do not tell us. The penalty for killing a foreigner is stated to have been outlawry.[2] Finally, any one whose deed belonged to the category of legally permitted or non-penal homicide, was liable to no sort of penalty, but required only a certain religious purification.[3]

The cases belonging to the jurisdiction of the tribunal in Phreatto manifestly seldom or never actually occurred. The trial was to take place here if any one who had been obliged to leave the country for unpremeditated homicide was prosecuted for another, and this time an intentional, homicide before the legal period of his return. Such a person might not set foot on the soil of his country: hence the law ordained that he should proceed in a ship to within such a distance of the place of sitting of the tribunal, as to hear and be heard. Finally, in the Prytaneum there was not so much a real court held as a religious ceremony performed. In the first place, when a murder was committed, but the murderer was unknown, the legal sentence was solemnly pronounced against him; secondly, if only the instruments with which the murder was committed were captured, and not the murderer himself, these, after the Ephetæ had pronounced their sentence, were conveyed out of the country by the Phylobasileis, or presidents of the four old-Ionic tribes.[4] The same thing happened with such things as had accidentally caused the death of any one. Even animals by which any one had been killed were here condemned to death, and then conveyed out of the country.

In the age of Demosthenes the Board of Ephetæ seems to have been removed from the courts in the Palladium and the Delphinium, while the matters which belonged to these were apparently left to the Heliastæ,[5] the Ephetæ retaining only the religious functions in the Prytaneum, and to some extent the cases which properly belonged to the court in Phreatto. Besides this, however, the function of investigating remained with them in those cases in which a person had either himself put

[1] Demosth. *in Aristocr.* p. 644. That the name *ἀπενιαυτισμός* did not exactly denote a period of a year has been rightly again noted by Hermann.

[2] *Lex. Seguer.* p. 176. No doubt, however, the circumstances of the case were considered.

[3] Plato, *Legg.* ix. p. 865.

[4] Pollux, viii. 111, 120. Cf. above, p. 336.

[5] This is clear of the court in the Palladium, from Isocr. *in Call.* § 52-54 and Dem. *in Neær.* p. 1348, and is at least highly probable of the court in the Delphinium.

to death, or caused to be put to death by others, a murderer who had abstained from visiting all places forbidden him. This proceeding was then punished either as murder or as Buleusis. In the next place, in cases of unpremeditated homicide, where the religious reconciliation and absolution of the murderer were to be effected, it was the duty of the Ephetæ, in the absence of relatives, who were the primary participants in that process, to choose ten of the most prominent from among the Phratores of the person slain, and through their means to effect the reconciliation and absolution.[1] Such reconcilation, if the unintentional homicide had remained absent from the country for the legal time, could certainly not be refused, but it might take place with the approval of the relatives, even at an earlier date, and so the necessity for the homicide to remain in exile might be limited or entirely dispensed with, and it is probable that the relatives frequently in consideration of a certain expiatory payment dropped the judicial prosecution of the murder.[2] The intentional murderer however might only be left unprosecuted by the relatives if the murdered man had himself pardoned him before his death, in which case only the religious expiation was requisite.[3] To drop the prosecution without this condition was accounted impiety (*ἀσέβεια*), and the relative on whom rested the legal obligation to be the avenger of blood might be summoned by any person on that charge, and be visited by the court with whatever penalty they pleased.[4]

Thus much of courts for the trial of homicide in the narrower sense, the forms of which, handed down as they are from remote antiquity, unmistakably bear a religious character. We now turn to the courts exclusively set apart for the disputes of private persons. Such were first of all those of the public arbitrators or Diætetæ—tribunals, whose foundation is placed by modern writers, probably incorrectly, in the time of the orator Lysias.[5] They were in all probability of far higher antiquity. The magistrate with whom complaints were lodged could not possibly inquire into and determine all matters, even if he were

[1] Law, quoted in Dem. *in Macart.* p. 1069; cf. Schöm. *Antiq. jur. publ. Græc.* p. 298, note 11.

[2] The payment is termed *τὰ ὑποφόνια*. See Harpocr. *s.v.* and *Lex. Seguer.* p. 313.

[3] Dem. *in Pantæn.* p. 983, 20; *Antiph. de Choreut.* p. 764.

[4] *Ant. jur. p. Gr.* p. 297, notes 8, 9.

[5] Cf. Schömann, *Const. Hist. of Athens*, p. 46 *seq.*, Bosanquet. With regard to the etymology of the name see Döderlein, *Oeffentliche Reden* (Frankfort and Erlangen, 1860), p. 327. According to this the root is the same as of *ἐξαίνυσθαι* and the Homeric *ἔξαιτος* = *ἐξαίρετος*: hence *δίαιτα* properly = selection, separation, *διαιτητής*, *separator*. The other, the well-known meaning of *δίαιτα*, is division or order of a day, manner of life, which likewise, without any strain, may be derived from the primary notion.

entitled to do so; he accordingly referred the greater number of cases to Diætetæ, as in Rome the magistrate referred them to a *judex* or *arbiter*. To this end, in the period upon which we have more particular information, a certain number of citizens somewhat advanced in years—the minimum age being fifty, or, as is probably nearer the truth, sixty—were appointed to serve as Diætetæ in such cases as might arise. Probably they were appointed according to the Phylæ, and in the time when the majority of offices were filled by lot, they were also filled in the same manner, but whether this was also the case in earlier times we refrain from inquiring. Of their number nothing further is known than that, according to an inscription[1] of about Ol. 113. 4 (B.C. 325), there were at least a hundred and four of them. But this can hardly have been their total number,[2] and if, as is probably to be assumed, an equal number was chosen from each Phyle, there must have been at least one hundred and sixty of them, inasmuch as the inscription mentions sixteen from one Phyle, the Cecropis (from all the others fewer are mentioned, from the tribe Pandionis only three); it is however possible that the list is incomplete. Those selected no doubt took an oath of office, as we shall see was the case with the Heliastæ. They were compensated for their expenditure of trouble by the fees which the parties referred to them by the particular authority had to pay,—the plaintiff on lodgment of his plaint, and the defendant on lodgment of his answer, being each obliged to pay a drachma; the same sum was also exacted at every application for postponement from the party applying. The fee was called *παράστασις*. In each matter only one Diætetes acted as judge; the theory that he must always have been taken from the Phyle of the defendant is incapable of proof, but it is probable that the whole body of the Diætetæ was divided into certain divisions, each of which was set apart for one or another Phyle, but itself consisted of members of different Phylæ,[3] while the magistrate probably, in each particular case, either left it to the parties to choose an arbitrator out of the division set apart for the Phyle of the defendant, or assigned them one by lot. In the times regarding which we

---

[1] Given in Ross, *Demen von Attika*, p. 22; Rangabé, *A. H.* no. 1163, and Westermann, *Ueber die öffentliche Schiedsrichter in Athen*, *Berichten d. Sächsischen Gesellschaft d. Wissenschaft*, i. 438.

[2] The inscription names only those *Diætetæ* who had actually served in that year, and had been rewarded with a garland for their conduct in office. But the fact that it was not all the Diætetæ of the year who were actually summoned to the exercise of their function is easily explicable.

[3] Cf. *Philologus*, i. 730.

have the fullest information from the orators, the parties were free to pass over the Diætetæ, and to demand at once that their cause should be referred to a Heliastic court, a course which seems not to have been permitted in earlier times, or at least was not usual. The localities in which the Diætetæ sat were appointed for each division; some were in the Heliastic courts when these were free, some in one or other of the temples,[1] or wherever else there was a suitable place. Like the *judex* in Rome, they had to take the whole conduct of the matter themselves, preparing the case for trial as well as actually trying it. At the close of the proceedings they handed their verdict to the magistrate who had referred the matter to them; this latter signed and published it, power being thus given him to decide, provided the parties did not appeal against it. This however they might do, although they had to pay a fee, παραβόλιον or παράβολον, for so doing. Of the amount of this fee, however, we are left in ignorance.[2] For misconduct in office the Diætetæ, like other magistrates, might be called to account before the Logistæ, but might also be summoned during their year of service by an Eisangelia. Apart from these public Diætetæ there were the "arbitrators by agreement," who are likewise termed Diætetæ, but are chosen by the parties at their pleasure, by mutual arrangement, the extent of their functions depending simply on the circumstances of the agreement. As a rule, and in the time of the orators almost invariably, the parties bound themselves by the agreement to submit themselves to the decision of the arbitrator, so that no appeal from it could be made. In earlier times this may not always have been the case, so that the action of the Diætetæ then often remained merely a kind of attempt at reconciliation.

For the convenience of the population living in the country and in the Demes, a number of district judges (κατὰ δήμους δικασταὶ) were appointed in addition. These went on circuits from place to place, and decided trivial causes up to the amount of ten drachmæ, as well as suits relative to slanders and assaults of minor importance. Of these judges there had in earlier times been thirty; subsequently to the time of Euclides their number was increased to sixty.[3] They were nominated by lot, or in earlier times perhaps by vote. Whether they exercised their jurisdiction jointly as a board, or in certain divisions, is not stated. The latter is perhaps more probable, as is also

[1] Dem. *in Euerg.* p. 1142; Pollux, viii. 126.

[2] Pollux, viii. 63.

[3] In favour of the lot Demosth. *in Timocr.* p. 735, 13, and *Lex. Seguerianum*, p. 306, 15, testify; in favour of Cheirotonia, *Lex. Seguer.* p. 310, 21, and Hesych. *sub voc.* τριάκοντα.

the assumption that certain places in each part of the country were set apart for their sittings, and that the time when they would hold a court in each of them was made known beforehand. At what date this Board of District Judges was established we have no information. It may probably have been by Solon,[1] though we are not to understand that before him no cases were tried in the Demes, and that the parties were compelled to go into the city for every little legal dispute. The contrary is rather to be assumed with certainty, even if nothing further can be stated with regard to the peculiar circumstances of this jurisdiction.

Finally, we must here mention the Nautodicæ, or judges in commercial cases.[2] Of these, however, we know only that they formed a judicial authority in disputes between the *ἔμποροι*, those who carried on traffic by sea, and in suits against foreigners who usurped the rights of citizens. The former class of cases they decided themselves; the latter they prepared for trial, and brought before the Heliastic judges. The connection of the two kinds of cases may be probably explained by the fact that among those who had to do with traffic by sea many might illegally usurp the rights of citizens. The number of the Nautodicæ and their mode of election is unknown. In the age of Demosthenes they no longer existed, and the two kinds of cases above mentioned then belonged to the province of the Thesmothetæ.

All these judges had jurisdiction only in private cases.[3] In contrast to them stand the Heliastæ instituted by Solon, with a jurisdiction extending to matters of every kind without exception; but who in private matters, it is highly probable, acted originally only as judges of the second instance, *i.e.* if an appeal was made from the decision arrived at by the other judges, or approved of by the magistrate alone. In public matters, however, they acted as the primary and sole judicial authority. The name comes from *ἡλιαία*, a word which, like *ἀγορά*, denotes both the assembly and the place in which it was held. In Athens the name was borne by that place where the largest number of the judges—in some cases all of them[4]—held their

[1] In the statement of the Schol. on Aristoph. *Nub.* v. 37, that Solon had appointed Demarchs *ἵνα οἱ κατὰ δῆμον διδῶσι καὶ λαμβάνωσι τὰ δίκαια παρ' ἀλλήλων*, demarchs and district judges seem to be confused. So Meier, *Halle Allg. Lit. Zeit.* 1844, p. 1306.

[2] Cf. *Att. Proc.* p. 83 *seq.*; *Const. Hist. of Athens*, p. 47.

[3] For, in the suits relative to usurpation of citizenship, which certainly belong to the class of public causes, the Nautodicæ were not *judges* in the proper sense of the term, but only "juges d'instruction" who prepared the case.

[4] Andocides, *de Myst.* p. 9, § 17, mentions 6000 judges in a *γραφὴ παρανόμων*.

sittings; a place probably abutting on the market. That this place at any time served also for general assemblies or ecclesiæ is incapable of proof. What the number of the Heliastæ was, according to Solon's ordinance, and how they were nominated at first, we do not know. At the time when democracy was fully developed, when the causes even of the subject allies were brought before the Athenian courts,[1] there were six thousand of them, six hundred from each Phyle, chosen by lot. Previously the number cannot have been very small; and divisions of the whole body into sections, such as we find afterwards, may without hesitation be assumed to have existed in the earlier times also. The ballot was conducted annually by the nine Archons in Ardettos,[2] a place situated outside the city wall, and the persons chosen were pledged by an oath. The form of this, however, which has been handed down[3] not only bears manifest traces of a later time than that of Solon, but is altogether of doubtful authenticity. The whole number of the six thousand was divided into ten sections of five hundred each, so that a thousand remained over, in order, when necessary, to serve as a reserve for the filling of vacancies in the sections. The sections, like the places of sitting, were called Dicasteria, and in each section members of all the Phylæ were mingled together. Each Heliast received, as a sign of his office, a bronze tablet, with his name and the number or letter of the section to which he belonged (from A to K), and also with the head of the Gorgon, the crest of the State. As often as courts were to be held, the Heliastæ assembled in the market, and the courts in which each section had to sit for the day were there assigned by the Thesmothetæ by lot. But it did not happen always, or in every suit, that whole sections sat; on the contrary, sometimes cases were tried only by parts of a section, sometimes by several sections combined, according to the importance of the matters at issue. Provision, however, was made that the number should be always an uneven one, in order to avoid an equality of the votes; and if we find the number of 200 or 2000 judges given, we are to assume that the round numbers only are given instead of 201 or 2001.[4]

[1] See p. 452.

[2] At least in the earlier period. Later it was no longer here, according to Harpocration, *sub voc.* 'Αρδηττός, quoting Theophrastus, without however stating what other place was chosen.

[3] Quoted by Demosth. *in Timocr.* p. 746; cf. *Att. Proc.* p. 128.

[4] The objections brought forward against this view by Lablache are disproved by O. Bendorf, *Gött. Anzeiger*, 1870, p. 276. Cf. *Frag. Lex. Rhet.* p. xxii. ed. Meier; *Lex. Seguer.* p. 262. 12; Pollux, viii. 48; Demosth. *in Timocr.* p. 702, 25; *Att. Proc.* p. 139, where all the numbers that are found are stated.

For the trial of certain classes of cases only Heliastæ of a specified category could sit: *e.g.* to try cases of violation of the mysteries, only persons who had been initiated; to try military offences, only comrades of the accused were eligible. After this ballot on the day of the trial, each member of the section received a staff with the colour and number of the court in which he had to sit; at his entrance into it he received a tally, on presentation of which, after the termination of the sitting, the payment was given him from the fund of the Colacretæ.[1] That the judges were not sworn afresh before every sitting may be confidently assumed;[2] the oath originally taken at the ballot sufficed. We further remark that the legal age of the Heliastæ was at least thirty, and that, so far as can be ascertained, the Heliastæ were only balloted for from among those who voluntarily offered themselves; though we do not wish to maintain that if the number of these was not sufficiently large others were not also taken. However, after the introduction of the payment, such a case[3] probably never occurred.

Of the courts of the Heliastæ, some, and probably the majority, were situated in the market, others in other parts[4] of the city. The statement that there were not more than ten of these is probably erroneous, and occasioned by the confusion of the sections of judges with the localities in which they held their sittings, the name Dicasterium being common to both. Besides the Heliæa above mentioned, the following are named—the Parabystum, in which the Board of Eleven presided, and which is said to have received the name from its position in a remote quarter of the city; the Dicasterium of Metichus or Metiochus, and that of Kalleas (*τὸ Κάλλειον*), probably named after their builders; the Green Court (*Βατραχιοῦν*), and the Red Court (*Φοινικιοῦν*), the Middle Court (*Μέσον*), the Greater Court (*Μεῖζον*), the New Court (*Καινόν*), the Triangular Court (*Τρίγωνον*), and the Dicasterium at the holy place of Lycus, probably near the Lyceum without the city. Dicasteries near the walls, and in the street of the Hermoglyphi, are mentioned with no further indication of their name.[5] That the Heliastæ sat also in the time of the orators at the Palladium and Delphinium has already been remarked above. The Odeum,

---

[1] Cf. p. 418.

[2] Against the statement in *Att. Proc.* p. 135, note 20, cf. esp. Westermann, *Comm. de juris jurandi form.* (Lips. 1859), pt. i. pp. 6, 10.

[3] Cf. Schöm. *Const. Hist. of Athens*, p. 93 *seq.*, Bosanquet.

[4] Cf. *Antiq.* p. 268 *seq.* That a court was also held in the Piræus, in the *δεῖγμα*, cannot be concluded with certainty from Arist. *Eq.* v. 977. See Schömann, *Opusc. Acad.* i. 228.

[5] Aristoph. *Vesp.* v. 1110; Plutarch, *de gen. Socr. c.* 10.

too, a building erected by Pericles, and properly destined for musical performances, was used for the sittings of Heliastic courts, and so probably were other places of which no mention is found.

It has already been mentioned that the jurisdiction of the Heliastic courts extended to all kinds of suits without exception, but that, in suits between private persons, they were probably, as a rule, merely courts of appeal, whilst in public matters, on the contrary, they were primary and final tribunals. In the course of time, however, it became more and more frequently the case that private causes also came before them in the first instance; partly because it was left open to the parties whether they would have their suit referred to arbitrators or not, partly because the magistrates were the less inclined to use the right of independent decision allowed them by the law, the more they could foresee that their decision would certainly be appealed from. With reference to public suits, however, we must consider that, apart from the criminal causes commenced before the Areopagus and the Ephetæ, which properly could not be reckoned among public causes at all,[1] it was also the case that the Areopagus in earlier times, in virtue of the right of supervision which then still belonged to it, was entitled to bring before its bar and to pronounce judgment upon crimes of various kinds, whether it did so in consequence of an information or indictment brought before it, or *ex officio*. Hence in this department it was not exclusively the Heliastic courts that were active, since an appeal to them from the judgment of the Areopagus could scarcely be admissible. It was not till later times, when this right was withdrawn from the Areopagus, that all public suits of necessity went before the Heliastæ, with the solitary exception of those which were brought forward in special cases before the Council of the Five Hundred or the popular assembly, and which these bodies themselves decided. But, as we have previously seen, these were frequently referred to the Heliastæ.[2]

The term "public causes" has an exceedingly wide range in Attic jurisprudence, and includes much that is elsewhere treated as belonging to the domain of private law. Whilst, for instance, Roman jurisprudence treats the infliction of bodily harm and

---

[1] For the conception of public causes implies that every citizen in possession of his privileges can come forward as a prosecutor, while before the courts referred to only the injured persons themselves, or the relatives of the murdered man, could come forward to prosecute.

[2] Cf. *supra*, p. 375 and 394.

theft as *delicta privata*, Athenian jurisprudence admits of their being dealt with not merely as private, but as public offences as well, inasmuch as the injury is not merely done to an individual, but is regarded by the whole body of citizens as inflicted upon itself through the injury done in the person of that individual to the civic honour or the security of property. An enumeration of all the crimes or offences which Attic jurisprudence dealt with as matters of public law is hardly practicable, and is moreover unnecessary. I may content myself with giving the various expressions in use for public suits, and based either upon the difference of the crimes or on certain peculiarities of the procedure.[1] In the first place, the term Phasis was applied to the prosecution of those who had either interfered with the pecuniary interests of the State, by transgressing the laws relating to trade, or to the customs-duties, or to the regulation of the mines, or through the improper occupation of public property, or who had sinned against both law and religion by uprooting the sacred olive-trees belonging to the patron goddess of the city, or finally, who, in the capacity of guardians, had, by their dishonest administration of the property of their wards, injured the interests of those who, being incapable of protecting themselves, were commended to the more particular protection of the State. The term Apographe—properly a written inventory of goods either confiscated or set apart by law for confiscation—was secondarily applied to the prosecution connected with this inventory, and directed against those who had such goods in their possession and withheld them from the State. The term Endeixis denoted a criminal information directed especially against those who were excluded by law, or in consequence of a judicial decision, from the exercise of certain rights, such as that of speaking in the popular assembly, or from visiting certain places, when despite their exclusion they exercised the rights or visited the places. In this class of offenders were included, amongst others, those persons on whom Atimia had been inflicted, whether this Atimia resulted from the sentence of a court, or because the prosecutor had just undertaken to prove that they had made themselves liable to that penalty; as also those on whom rested the guilt of homicide, who might be summoned under it not only by the person obliged or entitled to prosecute before the courts which tried such cases, but by any person whatever, and might be brought before a Heliastic court presided over by the Eleven. The term Apagoge is

[1] As regards what follows it is sufficient to refer to *Att. Proc.* p. 197 *seq.*

applied to the prosecution of criminals taken in the act, and at once brought before the proper authority, which might either commit them to prison or compel them to find bail. If, however, the authority was itself conducted to the spot where such a criminal was, the process was called Ephegesis. The term Eisangelia is primarily applied to the criminal information brought before the Council or the popular assembly regarding a crime which affected the interests of the State, but to which, on account of the pressure of opposing circumstances, the usual ordinary course of law did not seem applicable; but this name is also employed in a special sense to denote the prosecutions for ill-treatment instituted by married women possessing property against their husbands, or of wards against their guardians, and of the prosecution of public arbitrators for misperformance of their functions. We may add Euthyne and Dokimasia,[1] although both names denote not so much the proceeding of the prosecutor as the judicial process caused by the plaint: Euthyne against accountable functionaries for malperformance of their official functions; Dokimasia against such as had been chosen to public offices, or who as orators exercised a political activity for which they lacked the legal requirements and qualifications. But the most general name for public suits is γραφή, or "written indictment," which denotes all those that are not included under the special titles we have cited, as well as many of those that are.

From this enumeration alone it will be clear how the jurisdiction of the Heliastæ extended beyond the offences committed by private individuals, whether against other private individuals or against the State, and how the officials, their fitness for their office, and the illegalities and excesses they committed in its administration, were subject to the judgment of these courts. It follows that the administration was in a certain degree controlled by them, and that there is no question in Athens of a so-called system of administrative justice, by which the administration is properly controlled by itself, and the inferior officials by the superior. But even the sovereign Assembly, when compared with the courts, seems not to be so completely sovereign; its resolutions, on the contrary, might, by means of an appeal to the courts, be nullified and quashed. We have already spoken[2] of the so-called γραφὴ παρανόμων and its announcement by a ὑπωμοσία. In the popular assembly

[1] With Pollux, viii. 41. Why the Probole he names is passed over will be clear from what has been said about it (p. 391 *seq.*). The Androlepsion likewise mentioned by him does not belong to the account of the Athenian judicial system, but to that of the relations engendered by international law.

[2] Cf. *supra*, p. 384.

this measure served either to hinder the taking of the votes on a resolution, or to suspend the validity of a resolution already passed by a majority of votes until the decision of the court. The indictment was directed against the mover personally, who, if the court decided against him, incurred a more or less severe punishment. Even if the indictment had reference to a motion already approved by the people, the mover of the motion was responsible for a year after its passing. After the expiration of this period, he was free from personal responsibility, though the resolution itself might still be quashed by the court afterwards. The *γραφὴ παρανόμων* therefore was, on the one hand, a means of deterring careless or dishonest statesmen from motions not in accordance with the laws or interests of the State, or of inflicting punishment for such motions; while, on the other hand, it was a means of rendering harmless the cases of over-haste on the part of the many-headed popular assembly, by submitting its resolutions to the special consideration of a smaller number of men of mature age; men who were besides pledged by their oath to conscientious examination. Solon—for there seems no valid ground whatever for refusing to ascribe this provision to him[1]—seems to have been determined in making it by the same motive of prudence which caused him to withdraw the task of legislation proper (the Nomothesia) from the popular assembly, and to transfer it to a commission of Nomothetæ, which was formed of Heliastæ, and was therefore not essentially different from a Heliastic court. The Heliastæ are to be considered as it were a narrower committee of the sovereign people, appointed to guard the rights and interests of the commonwealth, not only in cases where the people are not in a position to proceed collectively, but also against the over-haste and mistakes of that people itself. As long as the number of the Heliastæ was not too large, and the courts were not filled through the attraction of payment with persons from the lower and uneducated class, they answered without doubt to the intentions of Solon, and acted rather as a check than as an impetus to democracy. But when six thousand were elected every year, and those mainly from the inferior classes, the character of the courts necessarily underwent alteration, and much the same thing happened in them as in the general assemblies of the people. Of this the manifold complaints, brought forward as they are by the most credible witnesses, regarding partisan and unfair decisions to which the

[1] As has been done by Grote, who (vol. iv. 459) puts the first introduction of the *γραφὴ παρανόμων* in the time of Pericles.

judges allowed themselves to be misled by demagogues do not admit of any doubt being entertained. That they consciously and intentionally did wrong we do not by any means intend to maintain, but it was not difficult to lead them astray, to excite their passions, and to confuse their judgment, especially as in many cases there was no definite legal form whatever which could have served as a certain and unambiguous standard for their decisions, but, on the contrary, they were referred to their own judgment and conscience; a defect in the legal system of Athens which under favourable conditions might turn out in every way advantageous, inasmuch as it obviated the danger that the letter of the law might prevail rather than its true spirit, but which in the absence of these conditions might as easily aid the wrong to a victory over justice and right.

The public suits, whether they related to an injury done to the State itself directly, or to one done primarily to a private individual, and affecting the State only indirectly, had all of them this in common, that each citizen in the enjoyment of his privileges and independence was entitled to institute them.[1] If, for instance, any overbearing citizen had ill-treated a weaker and inferior person, and this latter did not himself venture to undertake the struggle against him, a third person, quite without personal concern in the matter, might come forward on his behalf and bring the first-mentioned party before a court. Similarly, when any magistrate had committed a breach of his duty, and the functionaries appointed to supervise the conduct of the magistrates left the offence without rebuke, any private person might cause an inquiry to be instituted; or when, in the popular assembly, a bad measure had been passed or proposed, any one who believed that he could prove its badness might enter a protest by lodging an indictment (*γραφὴ παρανόμων*) against it. In the second place, all public suits have this also in common, that they involve a penalty, and that the punishment incurred by the person condemned is due, not to the prosecutor, but to the State; although the prosecutor may have instituted the prosecution for an injury primarily done to himself. Only in certain specified cases does the law assure any gain to the prosecutor by the fine to be paid by the condemned person; for instance, in the case of Phasis and Apographe, in both of which he obtains a portion of the penalty.[2] In the third place, it is a rule in public prosecutions,

[1] For the details regarding the persons who could prosecute and be prosecuted, cf. *Att. Proc.* p. 555 *seq.*, and for the distinction between *γραφὴ ἰδιά* and *γραφὴ δημοσία*, p. 63.

[2] *Att. Proc.* p. 165; *Antiquitates*, p. 270.

that if the prosecutor either permits the indictment he has instituted to lapse, or does not obtain the fifth part of the votes when judgment is pronounced, he incurs a fine of a thousand drachmæ,[1] as well as a limited Atimia, that is to say, he loses the right of instituting similar plaints in the future; a provision obviously intended as a deterrent from the too facile institution of such prosecutions.[2]

The private suits, of which the aim is either to obtain satisfaction for an injury done to the rights of the complainant or to establish a right which is matter of dispute, are divided, in accordance with this distinction, into those which do, and those which do not, involve punishment. The former are called *δίκαι κατά τινος*, the latter *δίκαι πρός τινα*,[3] and a subdivision among the latter is formed by the *διαδικασίαι*, in which the question at issue is the gaining possession of a thing claimed by several persons, or the acceptance of an obligation which it is desired to shift from one's-self to another.[4] All have two features in common—first, they can only be instituted by an interested party, that is, so far as such a party is independent and capable of coming forward before a court; secondly, if the defendant is condemned to pay a fine, that fine goes to the complainant. Both classes of suit, however, public and private, are of two kinds: assessed causes (*ἀγῶνες τιμητοί*), and unassessed causes (*ἀγῶνες ἀτίμητοι*). To the latter class belong all those in which the punishment for the condemned person is fixed by law, to the former those in which a special determination of the punishment is required according to the heaviness of the offence, or according to the amount of the damage suffered.[5]

The mode of procedure was in general not essentially different in public and in private suits. Before the plaint was brought forward, it was, as a rule, requisite to send a summons to the opponent to present himself on a particular day before the competent authority. It was required that this summons should be served by the complainant in a public place, and in the presence of witnesses to the service (*κλητῆρες*),[6]

---

[1] As regards the 500 drachmæ in Demosth. *de Cor.* p. 261, 20, see the right explanation in *Antiq.* p. 271, note 7.

[2] For exceptions to this rule in the Eisangelia for ill-treatment of parents, orphans, and heiresses, as well as in the Eisangelia for public offences of an extraordinary kind, cf. *Att. Proc.* p. 735.

[3] *Att. Proc.* p. 167.

[4] *Ib.* p. 367.

[5] *Ib.* p. 171 *seq.*

[6] *Ib.* p. 576 *seq.* In Aristophanes, *Aves*, 1422, the *κλητὴρ νησιωτικός* is clearly the sycophantic prosecutor himself, who makes a trade of tricking the allies by prosecutions; cf. *ib.* 1425. 31, 52, 57, 60. On the other hand, in v. 147, where the

in order that, if the person summoned did not comply with it, its service might be proved before the proper authority, and a motion might be made to treat him, in consequence of his non-appearance, as guilty of contempt of court. The giving of bail for their appearance before the proper authority was obligatory on foreigners only, and not on citizens; nor, similarly, could the latter be compelled to come at once before the proper authority with the complainant, except in the cases where the so-called Apagoge took place.[1] A summons to the opponent was dispensed with in the case of procedure by Endeixis, inasmuch as it was here the business of the authority to secure the accused by committing him to prison, or else to require bail from him; as also in the case of Eisangelia before the Council or the assembly, where, likewise, the accused person might either be committed to prison or compelled to furnish bail; and lastly, in the case of the Dokimasia or of Euthyne against officials, inasmuch as these were obliged, without receiving a special summons, to present themselves and be ready for the complainant at the time appointed for the examination or the giving in of their accounts. The plaint was lodged with the superintending authority in writing. The written plaint in private causes is generally termed λῆξις,[2] and if it has reference to persons, not to things, ἔγκλημα. In public causes it sometimes bears the same name, sometimes that of γραφή, or of φάσις, ἔνδειξις, ἀπαγωγή, εἰσαγγελία, according to the different forms of the procedure. When received, it was written out—either in full, or at least in substance—on a tablet, by the clerk of the authority with whom it was lodged, and was publicly posted at the office of this authority, in order that any one who might in any way be interested in the matter, might receive information regarding it. This authority, however, had first of all to decide the question of its acceptance or rejection. The principal case of its rejection was when the person summoned did not appear, and the service of the summons was not proved by the witnesses appointed for that purpose; but there were also many other grounds of rejection, which we do not desire to deal with particularly in this place, because they would compel us to go too much into detail.[3] If the plaint was accepted, a time was appointed at which the preparation of the case for trial (ἀνάκρισις) should commence. In this the

---

Salaminian ship brings the κλητήρ, we are to think of a messenger of government who, in consequence of an Eisangelia, summons the absent criminal in the name of the State; cf. *Att. Proc.* p. 590.

[1] *Att. Proc.* p. 580 *seq.*

[2] For the reason of the title, see *Att. Proc.* p. 596.

[3] *Id.* pp. 599-602.

first step requisite was the administration of oaths to both parties, the complainant being sworn to the truth of his plaint, the defendant to that of his reply. This interchange of oaths is indicated by the name *ἀντωμοσία*, which is, however, also applied secondarily to the exchange of written statements, the more proper name of which is *ἀντιγραφή*, a term we find employed not only for the answer of the defendant, but also for the statement of the plaint.[1] Besides this, the court-fees were to be paid by both, or one of the parties. These fees, in private causes, if the cause involved a sum of more than a hundred drachmæ (with the exception of the charge of doing bodily harm, *δίκη αἰκίας*)—were the so-called Prytaneia, which, in causes involving less than 1000 drachmæ, were three drachmæ, in more serious causes thirty. They were deposited by both parties, but after the decision of the suit the winning party recovered them from his opponent. In the case of public plaints, Prytaneia were not deposited at all by the defendant, and were deposited by the complainant only in those cases where victory brought him some personal gain, in the shape of a part of the fine to be paid by the condemned person, as in the case of Phasis and Apographe. In other cases, the plaintiff deposited only a small sum, probably not more than a drachma, which was called *παράστασις*; and in the case of an Eisangelia, even this was not deposited. In suits relating to inheritance, if an inheritance already assigned to others, or one to which several persons laid claim, was demanded for the sole use of the claimant, the tenth part of the amount claimed was deposited; in the case of disputes with the treasury with regard to confiscated goods, the fifth part. This deposit was called Paracatabole, and without doubt was returned to the complainant if he was victorious, but, if he was defeated, passed to the victorious party.

In the preparation of the suit both parties brought forward whatever might seem necessary to prove either the legality of their demands and refusals, or the truth of the facts maintained by them, *e.g.* passages in laws, documents, depositions, the confessions of slaves. The depositions were partly *μαρτύριαι*, which were stated by the witnesses who were themselves present before the court, and were reduced to writing; partly *ἐκμαρτύριαι*, or statements made by absent persons in the presence of witnesses, and which were likewise reduced to writing, and put

[1] *Att. Proc.* p. 628 *seq.*, where, however, what is said about *ἀντιγραφή* requires correction, according to Plat. *Apol.* c. 15, and perhaps also Hyperid. *pro Euxenipp.* pp. 4, 11, Schneidewin.

among the documents of the case. The statements of slaves ranked as a means of proof only when they were exacted from them by examination under torture (*βάσανος*); for this purpose the party concerned with the statement either summoned its own slaves or required the adverse party to give up those it possessed for the purpose. In either case the proceeding was called *πρόκλησις εἰς βάσανον*, or challenge to examination under torture. The person summoned was not, it is true, compelled to accept the challenge; but if he refused it he had to fear the argument that might be drawn from it by his adversary, who could use it as a proof that the other had had reason to fear the statements of his slaves. The examination under torture took place, as a rule, in the presence of both parties,—friends of both sides being summoned, whose duty it was to conduct the examination and reduce the statements to writing, in order that it might be taken as evidence in the case through the credibility given to it by their testimony. Great value was set upon this species of evidence, and it was in general regarded as more worthy of credit than the testimony of free men; which, it must be admitted, shows that no very high opinion was entertained of the truth and honesty of the latter, although they made their statements, at least as a rule, upon oath.[1] Finally, we must mention among the evidence the oaths which the parties either offered to make themselves or tendered to the opposite party. If the offer or demand (both are called *πρόκλησις*) was accepted, the oath was lodged with the superintending authority, and was drawn up in writing, in order to be included among the documents in the case, and to be laid at the proper time before the judges. But even when the oath was refused, a written memorial of its proposition was deposited, in order that it might be possible, before the court, to deduce an argument against the opposite party from its refusal. All these pieces of evidence were collected by the authority charged with the preparation of the case, and kept in a sealed receptacle, which, after the conclusion of the preparation of the case, was brought to the court on the day of the trial, in order that the requisite use might then be made of the articles of evidence in the proceedings. For certain kinds of legal

[1] My assumption in *Att. Proc.* p. 675, 6, that, as a rule, the witnesses took no oath, I can now no longer defend. The third oration against Aphobus, brought forward in support of this view, is a very suspicious authority; as regards this point I content myself with referring to Schäfer, *Dem.* iii. 2, pp. 82-89. With reference to the passage of Isæus, *in Euphil.* § 10, it may be imagined that the testimony offered by the speaker was not demanded, and therefore not given.

proceedings, especially for claims upon an Eranus (δίκαι ἐρανικαί),[1] commercial causes (δίκαι ἐμπορικαί), matters connected with the mines (δίκαι μεταλλικαί), and suits relating to a dowry (δίκη προικός), it was provided by law, in Demosthenes' time, that the preliminary investigation should be despatched and the matter decided within the space of a month; for this reason these were called δίκαι ἔμμηνοι. Other causes were often protracted through a longer period, sometimes for years.[2] The commercial suits could only be instituted in the winter months, from Boëdromion to Munychion, because in the summer months, when navigation was most active, the persons concerned could not with propriety be detained by legal proceedings from the exercise of their business.[3]

On the day of trial or award the presiding authorities took up their station in the place appointed—whatever it was—for the trial of the cause, where they were joined by the judges allotted them as assessors by the Thesmothetæ, and then they caused the parties to be summoned. If the complainant absented himself he was regarded as having given up the suit; if the defendant absented himself he was condemned "in contumaciam." Naturally neither course was adopted except when the absence was not excused by sufficient reasons; for if this was the case, it was necessary that a motion should be made for the appointment of another day of hearing. The proceedings before the court were probably preceded by a religious ceremony, at least by the offering of incense, and by a prayer, to be recited by the herald.[4] Then the plaint and the answer were read aloud by the clerk; after which the parties were called upon to speak. The law required that each should conduct his own case; hence those who had not themselves a sufficient command of eloquence had a speech composed for them by others who made a profession of oratory. This speech they then learnt by heart, and delivered before the court. But it was permitted to a suitor to bring supporters, and to employ them to speak on his behalf as well; hence the parties frequently contented themselves with delivering only a brief statement by way of introduction, and left the principal speech to their supporters. In private causes, probably in the majority of them, the first Actio (speech

[1] Cf. p. 362.

[2] *Att. Proc.* p. 694, 5. That this provision belongs to the time of Demosthenes is clear from *de Halonnes.* p. 79, § 12, at least with regard to the δίκαι ἐμπορικαί. At the time of Xenophon it did not yet exist, as is clear from *de Redit.* c. 3. 3. And the same may, in like manner, be assumed of the rest.

[3] Dem. *in Apat.* p. 900, 3; cf. Lys. xvii. § 5, p. 593.

[4] *Att. Proc.* p. 706.

and reply) was followed by a second; in public causes, on the contrary, there was only one. The time for the speeches was measured by the Clepsydra.[1] The written documents used in evidence, and to which reference was made in the speech, were read aloud by the clerk at the passages of the speech referring to them; and the witnesses also, whose testimony was read, were usually present in person, to confirm it either expressly or in silence. Those who had not yet given evidence required from them in the Anacrisis were now required either to give it or to give an assurance on oath that they could not do so; and if this demand were not complied with they might be punished, and might also be formally proceeded against for damages.[2] The speaker might not be interrupted by his adversary, but the judges were entitled to check his discourse if he appeared to be bringing forward irrelevant matter, or if they required fuller information with regard to any point. Indeed, it happened at times that they would not allow a suitor to finish his speech, or even to speak at all, but condemned him unheard; nor, apparently, could such a decision be combated by legal means, although the oath of the judges expressly stated the obligation to give an equal hearing to both sides.[3] But the speeches themselves were, frequently enough, calculated less to give thorough and true information to the judges about the cause under consideration than to produce a favourable or unfavourable state of feeling; and hence, if it seemed desirable, even deceptions and misrepresentations of the truth were not disdained, and much was brought forward that did not properly belong to the case, but might serve to gain credit for the speaker, and to damage his adversary in the eyes of the judges. Nor was there any lack of prayers for mercy and pity, and suppliants were brought into court—wives, children, helpless parents, or friends who possessed influence and position—in order to work upon the judges through them. The voting took place secretly, sometimes with variously-coloured pebbles, sometimes with beans or shells, sometimes with small bullets, pierced for condemnation,

---

[1] That there were also suits where this did not happen is certain; but which they were, except that the γραφὴ κακώσεως was one, is not known. As to the Clepsydra we may quote the description given by Appuleius, *Met.* iii. 3: "Vasculum quoddam in vicem coli graciliter fistulatum, per quod infusa aqua guttatim defluit." As to the single and double Actio, cf. Schol. on Dem. *in Androt. sub init.*, p. 104 of the edition of Baiter and Sauppe.

[2] Δίκη βλάβης and δίκη λιπομαρτυρίου; the latter in the case when the testimony had been promised beforehand.—*Att. Proc.* p. 672.

[3] *Id.* p. 718.

entire for acquittal. In the case of an equality of votes, the defendant was regarded as acquitted. The complainant, if he had not at least the fifth part of the votes in his favour, generally incurred, in private causes, the punishment of Epobelia, *i.e.* payment of the sixth part of the sum to which the trial had reference;[1] in public suits he incurred a fine of a thousand drachmæ,[2] joined with the loss of the right to bring forward similar suits in the future. If the case was an "assessed suit," it was necessary for the condemnation of the accused person to be followed by a second vote upon the punishment. This had already been proposed by the complainant in the indictment; the defendant, however, was allowed to make a counter-proposal, and the judges chose between the two. Additional punishments, especially imprisonment, might be inflicted in certain cases, on the motion of one of the judges. Whether, however, the Court might further depart from the proposal of the complainant or the counter-proposal of the defendant, and might in any way assign a punishment midway between the two, is matter of dispute.[3] The verdict of the judges was announced, and the assembly dissolved, by the presiding magistrate. Adjournment occurred only exceptionally, if, for instance, the proceedings were interrupted by a Diosemia, or sign from heaven.

The punishments in criminal cases were death, banishment, loss of freedom, Atimia or loss of civic rights, the confiscation of property, and pecuniary fines. The punishment of death was usually carried out in the prison by the executioner, who was subordinate to the Board of Eleven; its mildest form was the draught of hemlock; sometimes, however, it was further aggravated by torture.[4] The corpses of great criminals were cast into the Barathrum or into the Orygma, or conveyed across the frontiers unburied.[5] For a person banished a period was fixed within which he had to leave the country, and if he was still found there after its expiration he might be punished with death. Confiscation of property invariably accompanied banishment. Of imprisonment as a punishment by itself we

---

[1] *i.e.* an obol from each drachma; whence the name.

[2] In the case of Phasis, he also incurred Epobelia.—*Att. Proc.* p. 732.

[3] In *Att. Proc.* p. 725, the question is answered in the affirmative; and Böckh, *Staatsh.* i. 490 (Berlin, 1851), supports this view. The majority of inquirers are of the contrary opinion, as also Grote, iv. 53, note 1. [The English translation of Böckh does not mention the affirmative view.]

[4] *Att. Proc.* p. 685, note 91.

[5] Xen. *Hell.* i. 7. 20; Hyperid. *pro Lycurg.* p. 16; *pro Eux.* p. 31; cf. Meier, *de bonis damnatorum.* On the Barathrum and Orygma cf. Ross, *Theseion*, p. 44, and Curtius, *Att. Stud.* i. 8.

have no certain example; it appears however as an aggravation of punishment,[1] or as a means of compelling debtors of the State to make payments, or finally, as a means to make certain of an accused person until judgment is pronounced. Loss of personal freedom was imposed as a punishment only upon non-citizens for usurpation of the rights of citizens, and those condemned to it were given over to the Poletæ to be sold as slaves. A person punished with Atimia, if he did not withdraw from the exercise of the rights forbidden him, was subject to the Endeixis or Apagoge, and might in consequence of these be visited with severer penalties, sometimes even with the penalty of death. The mode of carrying out the punishment of confiscation was as follows:—The Demarchs of the district to which the condemned man belonged, or other persons charged with the duty, prepared an inventory of the property, and after this was done the Poletæ had to provide for its sale. Frequently however a part of the property was left to the children of the condemned man.[2] Pecuniary fines were collected by the Practores or by the treasurers of the temple funds, according as they fell to the State-treasury or to the temple-chests, and the person condemned was under Atimia until payment was made, while if he had not paid up to the date appointed he incurred a double penalty, and if even then he did not pay steps were taken towards confiscating his property. If the produce of his property did not suffice to wipe out the debt, he remained in Atimia as a State debtor, and his descendants after him, until the debt was either paid or remitted. If however an overplus remained on the sale of the property it was paid back again to him. In private causes Attic jurisprudence provided the victorious party with various means according to the different circumstances of the case, by which he could compel the opponent to fulfil the sentence imposed upon him.[3] The victorious party, if no settlement had been made by the opponent at the time appointed, might take his person in pledge, or seize his belongings, and if he offered resistance in either

[1] *E.g.* for theft.—Dem. *in Timocr.* p. 736, 11. C. F. Hermann's opinion with regard to imprisonment as an independent punishment (*Staatsalt.* § 139, 9) is totally unsupported by the passage of Lys. *in Agor.* quoted by him, as is also pointed out by Westermann, *Quæst. Lys.* i. p. 19 (Lips. 1860). In the passage in Demosthenes *in Timocr.* p. 744 we are to regard arrest as a means of security against absconding, or of compelling to payment. Only in Plato (*Apol.* p. 372) is δεσμὸς named as an independent punishment, and a pecuniary fine, with imprisonment until payment, is first then heard of. In his model State too (*Legg.* ix. p. 864 E, 880 B, c. x. p. 908) many offences are punished with imprisonment.

[2] Dem. *in Aphob.* i. p. 834; *in Nicostr.* p. 1255.

[3] *Att. Proc.* p. 747 *seq.*

case, or if he refused to consent, might lodge a suit for execution (*δίκη ἐξούλης*) against him. This had as its consequence that the condemned man further became a debtor to the State, and moreover for the same sum which he had been condemned to pay to the plaintiff, and consequently, until he paid, was under the penalty of Atimia. Non-citizens, and in commercial suits citizens also, might be put under arrest or compelled to find bail until payment was made.

From the verdict of a Heliastic court there was no appeal, though there were probably certain legal means of rescinding a surreptitiously obtained and unjust decision.[1] Any one who had been cast in a suit in consequence of his non-appearance was permitted, if he succeeded in proving that the justification of his absence had either been kept back through no fault of his own or had been unfairly rejected, to move for restitution (*τὴν ἐρήμην ἀντιλαχεῖν*). Those who maintained that they had not been summoned at all might prosecute the persons who professed to have been witnesses of the summons (*γραφὴ ψευδοκλητείας*). Those who succeeded in showing that they had lost their case by the aid of false witnesses might proceed against these witnesses by a *δίκη ψευδομαρτυριῶν*. The *γραφὴ ψευδοκλητείας* naturally entailed for the successful party the rescinding of the unfairly obtained judgment, but he was also permitted to sue his former opponent for damages by a *δίκη κακοτεχνιῶν*, or to institute a criminal prosecution against him for sycophantia (*γραφὴ συκοφαντίας*), which involved the more or less severe punishment of the defeated party by the State, the severity of the punishment varying because this prosecution belonged to the class of "assessed suits." The *δίκη ψευδομαρτυριῶν*, too, either entailed for the victorious party, over and above the penalty which the false witnesses were condemned to pay him, the rescinding of the judgment, or at least formed a basis likewise for a *δίκη κακοτεχνιῶν* against the former opponent.

If now we turn from these details to the consideration of the judicial system as a whole, we can in the first place only repeat what we have already indicated at the beginning of this section, that in Athens the courts—that is, particularly the Heliastic courts, which come under special consideration—may with perfect justice be designated as the principal lever of democracy, as the most favourable soil for its development and increase. Solon's constitution had committed to an aristocratic body, the Areopagus, the supervision of the administration in its totality,

[1] *Att. Proc.* p. 753.

of the conduct of the authorities in office, of the proceedings of the popular assembly. This function, from the time when the Areopagus was deprived of it by Ephialtes, passed in all essential points to the Heliastic courts. For these were the courts charged with the Dokimasia and Euthyne of the officials; theirs was the right of passing judgment on the offences of that class and the misuse of their official power, and of deciding upon the validity of the resolutions arrived at in the assembly of the people as often as these were combated by any one through the process of Hypomosia. In their hands, again, was the acceptance or rejection of laws, inasmuch as the assemblies of Nomothetæ were in their essence nothing else than Heliastic Dicasteria. Granting that Solon had already appointed a similar form for the Nomothetæ, and had also perhaps assigned to the Heliæa the γραφὴ παρανόμων and the Dokimasia and Euthyne of the functionaries of government, yet the character of the Heliastic courts, when no payment yet attracted the lowest class thither, was of necessity essentially different from that which they possessed in the later period, from the time when the Diætæ, at first indeed small, but soon raised by demagogues, were constantly attracting more and more of that class in which it was least possible to presuppose aristocratic, that is to say conservative, tendencies, discretion, or keenness of vision, qualities without which a proper treatment of public affairs is impossible. However favourably we judge of the Athenians in general, however high we place the Athenian Demos above all others, it was nevertheless always a Demos accessible to the arts of bad demagogues, easy to deceive, easy to excite, and inclined to follow the voice of passion rather than that of discreet consideration; a view the truth of which history will compel even the warmest friend of Athens to admit. How a member of this Demos belonging to the lower order of society might feel and behave as a Heliast, Aristophanes has depicted for us in the *Wasps*, no doubt as a caricature, but as a caricature that he certainly would not have been able to present if the principal traits for its construction had not existed in reality. His Philocleon, the Heliast, is a rough and uneducated fellow, self-satisfied, and proud in the consciousness of the power that is given into the hands of those of his comrades; he boasts that before him and his voting-pebble all must humble themselves, whatever their wealth or position; there is nothing great or small about which, as occasion offers, he has not finally to decide, and he alone in the State is not responsible to any one, and cannot be brought by any one to account. It may easily be imagined that for many men this supreme judicial power which

they enjoyed might have a great charm, and that men pressed forward passionately to a position in which they became sharers in that power. Besides, for not a few the fees were an additional advantage which was extremely desired, as is clearly expressed by the chorus of Heliasts in Aristophanes.[1] We must imagine these as consisting of persons who, because they had less capacity or opportunity for other means of gain, were zealous to earn the Triobolum, for which they were required only to sit for some hours and then cast a pebble into the ballot-box. It was moreover especially persons advanced in years, and therefore less capable of work, who pressed on to this easy service, and thus Aristophanes makes his chorus consist of such persons exclusively. As has already been said, Aristophanes gives us a caricature; a good caricaturist, however, though he may perhaps exaggerate the features of his pictures, cannot make them out of nothing.

The same Aristophanes in another play shows us an old man who, when Athens is shown him on the map, is greatly astonished not to see any judges sitting there,[2] as if it were precisely this judicial system which formed the necessary characteristic of the State. But the reason of this activity of the judges, prominent as it thus was, by no means lay in any special litigiousness on the part of the Athenians, who in this respect hardly distinguished themselves above the other Greeks; it is to be found, on the contrary, partly in the great multitude of cases which had to be brought before the courts as a consequence of the constitution, partly in the circumstances that in the time of Aristophanes the allies of the Athenians had to bring their suits—if not all, at least the more important—before the Athenian courts. At that time it might be said without excessive exaggeration, "the whole city resembled a vast court of law."[3] With daybreak several thousand men arose in order to sit some hours in the different places that they might then go home with their fee of three obols. The sittings were made known by the Thesmothetæ by the posting of a notice,[4] but they certainly took place daily whenever this was not rendered impossible by the celebration of feasts or by other religious hindrances, or by popular assemblies, with which the sittings of the courts obviously could not be allowed to clash. At times however there were suspensions of legal business, particularly during war. If the enemy had invaded the country, if the State itself was in

[1] Aristoph. *Vespæ*, 300 *seq.*

[2] *Id. Nubes*, 208.

[3] With Curtius, *Hist. of Greece*, ii. p. 452 (Ward's translation).

[4] Pollux, viii. 87.

any way threatened, all suits might be adjourned. Under less dangerous circumstances probably only private suits ceased, and in unimportant and distant wars the activity of the courts was not interrupted at all.[1] But it often happened when times were bad that it was necessary to adjourn the courts, because no money was in hand to pay the judges.[2]

10.—The Areopagus as a Supervising Authority.

Isocrates, in an idealised picture of the state of Athens, as it was while Solon's constitution still remained without adulteration, is of opinion that he has discovered the reason why, at that time, everything was so much better ordered than in his own age, chiefly in two circumstances. The first of these is that at that time election to office was conducted not by lot but by vote, and consequently only those were appointed who appeared to their fellow-citizens to be virtuous and deserving. The second is the influence of the Areopagus, which exercised a rigorous supervision not only over the administration of the magistrates, but over the conduct of private persons, and visited offences against propriety of conduct with censures, threats, and punishments. Not less value is ascribed to the blessing which the State owed to the Areopagus by the wisest of the poets, Æschylus, in that passage where he makes the goddess herself, whom he represents as the foundress of the State, proclaim to her people as follows:[4]—

> Here then shall sacred Awe, to Fear allied,
> By day and night my lieges hold from wrong.
> . . . . .
> Thus holding Awe in seemly reverence,
> A bulwark for your State shall ye possess,
> A safeguard to protect your city walls,
> Such as no mortals otherwise can boast,
> Neither in Scythia nor in Pelops' realm.
> Behold! this court august, untouched by bribes,
> Sharp to avenge, wakeful for those who sleep,
> Establish I, a bulwark to this land.

The high position and comprehensive power of the Areopagus, however, belongs to that period of Athenian history concerning which only meagre and imperfect accounts have come down to us,—the period before Pericles.[5] As to the relation of the

---

[1] *Att. Proc.* p. 154.
[2] An example is given in Demosth. *in Bœot. de nom.* p. 999.
[3] Isocr. *Areop.* c. 14-18.
[4] *Eumen.* 660 *seq.* (Swanwick's tr.).
[5] According to Plut. *Them.* c. 10, the Areopagus provided the money requisite for the manning of the fleet

Areopagus to the Council of the Five Hundred and to the popular assembly, to the manner in which it exercised supervision over the magistrates and enforced their responsibility, and the limitation of its judicial power relatively to that of the Heliastic courts, we are entirely without definite information. The statement given us on the authority of Androtion and Philochorus,[1] that the Areopagites passed judgment upon almost all crimes and breaches of the law, is too general, and leaves us in uncertainty as to what points properly came before the Heliastæ, and not before the Areopagus. For that this authority also, in the earlier period, when the Solonian constitution was still intact, had a very extended jurisdiction, and that in particular the offences committed by magistrates in the discharge of their functions properly came before a Heliastic court, hardly admits of doubt.[2] We may perhaps make the following conjecture as to the main point of difference. Possibly the Heliastæ gave judgment only in the case of a formal prosecution, after the matter had been brought before the proper authority by the prosecutor, and that authority had carried out the preliminary investigation; while the Areopagus, on the contrary, was not bound to await any prosecution, but might take action, undertake the investigation, and pass judgment *ex officio*, as the result of its own knowledge, or upon the mere receipt of information. In other words, perhaps before the Heliastic court there was only the ordinary legal process, while the procedure of the Areopagus was inquisitorial in its character. This conjecture cannot indeed be supported by express statements and definite testimony, although we believe that this does not decrease its probability. In the same way, we must also assign to the Areopagus a certain participation in the Dokimasia and Euthyne of the magistrates, even if that body did not undertake the duty itself, but had merely the function of indicating as unworthy, or as meriting punishment, the magistrates who were to undergo examination, or to render account of their tenure of office before the Council or the Heliastæ. With regard to its relation to the Council and to the popular assembly, an ancient and trustworthy authority[3]

---

in the second Persian war; in what way it did so he does not say. According to Arist. *Pol.* v. 3. 5, it was then highly regarded, and exercised a powerful administration in the interests of aristocracy; of this too we learn nothing further.

[1] Maximus, *Prœmium ad Dionys. Areop.* vii. p. 34, Antwerp; also in C. Müller, *Frag. Hist. Gr.* i. 387.

[2] Cf. Arist. *Pol.* ii. 9, especially § 4, where τὸ τὰς ἀρχὰς αἱρεῖσθαι καὶ εὐθύνειν is specified as that which Solon could not withhold from the people.

[3] Philochorus, *Append. Photii*, Porson, p. 674, and also in C. Müller, *op. cit.* p. 407.

leaves us no room to doubt that the right belonged to it, as in later times to the Nomophylaces, of imposing its veto if a measure appeared to it disadvantageous or illegal, and by this means of either preventing a vote being taken on the measure, or, if this had already been done, of forbidding the enforcement of the law, very possibly by means of a *γραφὴ παρανόμων* which it instituted against the measure through one of its members. However, it is tolerably certain that there was always something precarious in the power of the Areopagus, that it had no means of compulsion at command to carry through or check any measure contrary to the will of the Council, the assembly, or the Heliastæ; but it is equally certain that the reverence felt for it by the people was sufficiently great to supply the want of any other mode of giving effect to its power. Even in the later period, when the behaviour and the feelings of the people had greatly degenerated from those of earlier times, we meet with numerous and unmistakable proofs of the high reverence paid to the Areopagus; how much greater, then, must we imagine this reverence to have been in the earlier period, before the "undiluted wine of democracy" had yet intoxicated the populace. In the Areopagus itself, moreover, a spirit of severity in manners and behaviour, a worthy conduct of life, a certain respect for the right, and for duties towards gods and men, had propagated itself from those earlier times, a spirit which, as Isocrates assures us,[1] had the power to alter and to improve even men of inferior character, if they became members of this body. The Areopagus was an aristocratic board, and it had become so through the organisation given it by Solon in a truer sense than it had been in earlier times. For before Solon's time, the high council which took its name from the Areopagus[2] was a Eupatrid body, and as such was disposed to defend the interests of its own order rather than those of the State. The body which Solon found in existence can hardly have been abolished by him; but he made the regulation that vacancies in it should for the future be filled only by such persons as had held, without reproach, one of the nine archonships. The archonship, at that time, could be reached only by men of the higher classes, and therefore only by such persons as possessed sufficient culture and sufficient freedom from the cares of acquiring a livelihood to be able to devote themselves wholly to public affairs. Moreover, as the appointment to the magistracies was then made by vote, it was to be expected that the people would

[1] Isocr. *Areopag.* c. 15, § 38.

[2] See above, pages 321 and 326.

elect no one of whose excellence and fitness they were not fully convinced. The account to be rendered after the discharge of the duties of the office might then show whether the person elected had answered to the confidence of his supporters, or not. The question still remains whether the bare fact that the person was found not to be liable to punishment after he had rendered his account was sufficient qualification for entrance into the Areopagus, or whether such a person might not nevertheless be legally excluded by the Areopagus itself, if serious doubts as to his worthiness interfered.[1] This latter supposition, even though we have no express evidence of its truth, is at least very probable. However this may be, the Areopagus was always a board of tried and approved men, and as entrance to it was only possible in mature age, while the members held their places for life, a considerable number of men advanced, and even far advanced, in years must necessarily always have been among them, a circumstance which must also have contributed to secure and protect, not only the dignity of the body in the eyes of the public, but also its own intrinsic worth. Nor, finally, must we omit to take into consideration the close relation in which the Areopagus stood to the state religion, and to a department of religion, moreover, especially fitted to exercise a beneficial influence upon conduct, which cannot be said of all the other departments of it. The Areopagites were, to a certain extent, servants of those divinities who are called *par excellence* Semnæ or worthy of reverence, because they, and they alone, have as their sole vocation to insure respect for eternal right and observance of sacred duties among men, to punish the transgressor in the form of wrathful Erinyes, to protect the good as kindly Eumenides. Such is their essential nature as depicted so admirably by Æschylus in the same tragedy in which he celebrates the foundation of the Areopagus. The shrine of the Eumenides actually adjoined the Areopagus; the Areopagitæ had the care of their worship, and on this account nominated the Hieropœi for the sacrifices there to be offered to them.[2] Their judicial function too, in which they were bound to act peculiarly as the servants of these *σεμναὶ θεαὶ*, must also have kept fully alive in their soul the pious awe which, as Æschylus says, serves as the salvation of mankind, and must have warned them how only purity of heart can hold itself

[1] See Bergman on Isocrates, *Areopagit.* p. 128. A Dokimasia is especially indicated by the example quoted by Athenæus, xiii. 21, p. 566, from Hyperides, *τοὺς Ἀρεοπαγίτας ἀριστήσαντά τινα ἐν καπηλείῳ κωλῦσαι ἀνιέναι εἰς Ἄρειον πάγον*, *sc.* they did not admit him as one of their number.

[2] Cf. Müller on Æsch. *Eum.* p. 179.

assured of the blessing of the gods. In addition to this, ancient formulæ and shrines, on which a mysterious darkness rested, and with which the welfare of the State was believed to be linked,[1] were intrusted to the custody of the Areopagus. Finally, they above all others were empowered to see to the maintenance of the sanctity of the state religion, and to guard against any violations of it; in short, everything combined to keep in full vigour in them, before all others, that piety which, despite its errors, was well known even to paganism.

Such details as can be given regarding the activity of the Areopagus have reference for the most part only to the times subsequent to Euclides.[2] At this time it was restored, if not wholly, yet for the most part, to its earlier position as a supervising authority, so far as this could be done by the letter of the law, but in the face of an entirely altered disposition on the part of the people, who were now accustomed to unlimited democracy. The reasons on account of which Pericles and his party found it convenient to their purpose to strip the Areopagus of its earlier political rights, and to leave it only the power—connected with religious formularies—of judging in cases of capital punishment, have been indicated in an earlier section.[3] The Nomophylaces then instituted, who were to watch both in the Council and the popular assembly that nothing should take place contrary to the law and detrimental to the State, have not left in history the least trace of their activity; and we hear as little, in the period after Euclides, of a corresponding activity on the part of the Areopagus. Of the supervision exercised by this body over the administration of the magistrates we meet with one isolated example,[4] from which we learn besides that its right of punishment was a limited right, and that on that account in the more serious cases it could only report the matter to the people or to the popular courts, and in some way give rise to a prosecution. With regard to persons who were not officials, the Areopagus often instituted investigations, sometimes of its own motion, if it had received intelligence of a breach of the law,[5] sometimes in discharge of a commission from the people.[6] It then reported upon the case, and when

[1] Dinarch. *in Dem.* § 9 (where, however, perhaps the right reading is τὰς ἀπορρήτους διαθήκας not ἀποθήκας), with Mätzner's note, pp. 93, 94.

[2] Shortly before this, at the end of the Peloponnesian war, when Athens was besieged, the Areopagus is said to have busied itself about saving the State (Lys. *in Eratosth.* p. 428, § 69). What sort of relation then existed is not stated. I will not allow myself to make conjectures.

[3] See above, p. 342.

[4] *In Necær.* p. 1372.

[5] Cf. Cic. *de Divin.* i. 25. 54. To this class may belong the procedure against Antiphon, spoken of by Dem. *de Cor.* p. 271.

[6] Dinarch. *in Dem.* § 50.

proceeding of its own motion perhaps also nominated prosecutors from its own number, in order to prosecute before the court the person found guilty by it, if it had not itself the power to inflict adequate punishment upon him.[1] When it was acting on a commission from the people it was, on the contrary, the people that appointed the prosecutors.[2] Apart from this, it appears that the Areopagus had also the power of declining an investigation committed to it.[3] Of its guardianship of morals, and of the right to compel any person to answer for an immoral life, and to punish him, we have a few instances even from the later period.[4] To this heading, however, belongs in especial the jurisdiction of the Areopagus in the case of the γραφὴ ἀργίας, or the prosecution of a person who, without possessing a property on which he could live, nevertheless, instead of seeking an honourable means of acquiring property in work, preferred to lounge about in idleness.[5] To this same head belongs also its jurisdiction with regard to indictments against persons who had run through their inherited property (γραφὴ τοῦ κατεδηδοκέναι τὰ πατρῷα)[6] and its supervision, in conjunction with the Gynæconomi, of the sumptuary laws, though these functionaries were first instituted in the time of Demetrius Phalereus.[7] Isocrates also praises the care taken by the Areopagus for the right education of the young, though he represents this function as one belonging only to past times, and of which the restoration is to be desired; and in fact, in the period between Pericles and the death of Isocrates we have no trace of it.[8] On the other hand, care for the purity and inviolateness of the state religion was exercised by the Areopagus in that period, though not by it alone. That the decision upon the acceptance or rejection of new worships belonged to it, as some have supposed, is incapable of proof.[9] Offences in this department, at least in particular cases, might be included under the conception of Asebeia, or violation of the duties to be rendered to the gods of the state religion; and that indictments or informations concerning Asebeia could be brought before the Areopagus is not to be doubted, though not

[1] Dem. *de Cor.* l.c.

[2] Dinarch. *op. cit.* § 51, 58.

[3] *Ib.* § 10, 11.

[4] Athenæ. iv. 64 and 65, p. 107 E, 168 A.

[5] *Att. Proc.* p. 298 *seq.*

[6] *Ib.* p. 299.

[7] See below, sec. 12.

[8] For the statement of the author of the Axiochus, c. 8, as to the supervision of the Areopagus over the Ephebi cannot be accepted as a valid testimony for this time.

[9] From Harpocr. *sub voc.* ἐπιθέτους ἑορτάς it has been concluded (I myself at one time made the same inference) that any one who practised a new cult not recognised by law could be indicted before the Areopagus. But I have shown (*Opusc.* iii. 439, note 22) that the passage of Harpocration does not prove this.

a few examples show that cases of it were judged by the Heliastic courts as well; and we have no certain information regarding the boundary between the two jurisdictions.[1] Asebeia included also the uprooting of the sacred olive-trees, which were considered as belonging to Athene; and it was punished by the laws with banishment and confiscation of property. That the proper place for indictments for this offence was before the Areopagus is certain,[2] and the overseers, whose duty it was to watch over these sacred trees, were also appointed by that authority.

However unimportant, even after all we have said, the influence may appear which was exercised by the Areopagus over the affairs of the State in the times with which we are more adequately acquainted, yet public opinion always regarded it as a body worthy of very great respect. The people would not indeed permit any restraint on its own democratic freedom to be exercised by the Areopagus, but nevertheless gave it respect and confidence. To it were committed criminal investigations which it was desired should be thoroughly and conscientiously pursued,[3] though it must be admitted that the final judgment was reserved for the popular courts, and it may also frequently have happened that a person whom the Areopagus had found guilty was afterwards acquitted by these bodies.[4] All kinds of other business were also intrusted to it, and its approval was obtained, sometimes even on subjects having no perceptible connection with its proper vocation.[5] At times it was also invested with extraordinary powers, to proceed according to its independent discretion, although the statement of an orator of the time of Demosthenes,[6] that the people often committed into its hands the regulation of the State and the democracy, is probably nothing but a rhetorical phrase.[7]

Apart from this, the Areopagus, in so far as it had to deal at all with pecuniary administration, was bound, like all other

[1] Cf. *Att. Proc.* p. 305; Böttiger, *Opusc.*, ed. Sillig, p. 69; Hermann, *de Theoria Deliaca* (Göttingen, 1846), p. 12.

[2] Cf. the speech of Lysias *de Oliv.*

[3] Especially perhaps such as it was desired to keep from publicity. L. Schmidt, *N. R. Mus.* 15 (1860), p. 227.

[4] Dinarch. *in Dem.* § 54.

[5] *E.g.* with regard to certain public works in the city, Æsch. *in Tim.* p. 104, and with regard to the payments of tribute by the allies, *C. I.* i. p. 114; with regard to the examination and confirmation or annulling of the elections of magistrates, Dem. *de Cor.* p. 271, § 134; Plut. *Phoc.* c. 16.

[6] Dinarch. *in Dem.* § 9.

[7] After the battle of Chæronea, several persons who had deserted their country in her danger were punished with death by the Areopagus.—Lycurg. *in Leocr.* § 52; Æschines *in Ctes.* p. 643. It is uncertain, however, whether the Areopagus was here acting of itself or in consequence of an extraordinary grant of full powers of action.

authorities, to render an account to the Logistæ.[1] That every individual Areopagite could be called to account for offences needs no demonstration; and just as the Council of Five Hundred possessed the right of expelling unworthy members, so a similar right as regarded its own members was possessed also by the Areopagus. Apparently, however, the persons expelled might be reinstated by the verdict of a Heliastic court.[2]

11.—The Discipline and Manner of Life of the Citizens.

The orator Demostratus[3] expressed it as his judgment, that the Spartans were better as citizens, the Athenians as individuals; and this saying was perhaps not far from the truth. In Athens the man was less absorbed in the citizen than in Sparta, and was therefore able to develop in a freer and more human manner. He might no doubt also go astray in many ways; but as Megillus, the Spartan in Plato,[4] contends, those Athenians who were good were so in an exceptional degree, because their goodness resulted from no compulsion, but came from their own nature and by the gift of God, not through a discipline enforced by external constraint. A public discipline like that in Sparta, and a State education regulated from earliest youth by strict provisions, did not exist in Athens; least of all after the Areopagus was deprived of the function it is said to have possessed at an earlier date, of watching over education. It was only the prevalent traditionary usage and the power of public opinion which determined and regulated the discipline of the young, as it did the conduct of the adult population. Pericles[5] makes it his boast concerning Athens, that the individual bent of each man is there subjected to no cramping fetters, but that he is permitted to live as he pleases, without suspicious supervision and stern measures of discipline; but that in their stead there prevail respect for law, obedience to the authorities, and a feeling of propriety which threatens the transgressors of the law—a law unwritten, indeed, but not on that account considered less binding—with a general contempt that was more feared than any other punishment. How far such an encomium was still appropriate, with

---

[1] Æschin. *op. cit.* p. 108.

[2] Dinarch. *op. cit.* § 56, 57.

[3] Quoted in Plut. *Ages.* c. 15. I call him an orator because I believe him to be the same as is again mentioned by Plut. *Alc.* c. 18, and *Nic.* c. 12. He was a contemporary of these two.

[4] *Legg.* i. p. 642 c.

[5] In the funeral oration which Thuc. (ii. 37) makes him deliver at the end of the first year of the Peloponnesian war.

perfect truth, to the Athenians of that time may perhaps admit of doubt. It was so much Pericles' desire in his speech to hold a mirror before his fellow-citizens to show them what they ought to be and what their fathers had been, that he probably did not depict them precisely as they were, and his hearers no doubt understood him in this sense. But however numerous the actual deviations from that ideal which we may remember, the principal features were nevertheless still recognisable, and we are not justified in supposing the moral tone of the Athenians of that day to have been a low one. Our task now is to depict, in so far as it does not belong exclusively to domestic and private life, all that may be comprised in the conception of such a discipline, formed by custom and traditional usage, and subject in part only to the judgment of public opinion, in part to the supervision of the State as well. In doing so, it will be our business to point out, as far as possible, the changes that come before us in the course of time. We shall begin with the management of children.

In Athens, as almost everywhere in antiquity, the power of the father over a newly-born child was little limited by the laws.[1] A child that he did not wish to bring up might be, if not killed,[2] at any rate exposed; and, at least in the times whose customs are depicted in the new comedy, such a proceeding was not so rare as might be imagined. This we may see from the Roman imitations of this comedy, which are the less liable to the suspicion of having introduced Roman customs into Greek pieces, that to some extent the exposure furnishes the plot of the action with an essential point on which its final development hinges.[3] Besides, we have testimony even from Greek writers that daughters were often exposed,[4] even those of well-to-do fathers; and even if right-thinking people decidedly disapproved such a proceeding, the popular judgment on the contrary was manifestly very lax. The exposure took place, in most cases, in such a way as to admit of the consolation that the child would not perish, but would be found by some one who would adopt it and bring it up; and usually certain

[1] Cf. p. 104. It may be remarked in passing that in Arist. *Pol.* vii. 14. 10, the following correction should be made :—*περὶ δὲ ἀποθέσεως καὶ τροφῆς τῶν γιγνομένων ἔστω νόμος μηδὲν πεπηρωμένον τρέφειν, διὰ δὲ πλῆθος τέκνων (ἐὰν ἡ τάξις τῶν ἐθῶν κωλύῃ μηδὲν ἀποτίθεσθαι τῶν γιγνομένων) ὡρίσθαι γε δεῖ τῆς τεκνοποιίας τὸ πλῆθος* (for *ὥρισται γὰρ δή*).

[2] Yet even killing seems not to have been unheard of.—Ter. *Heaut.* iv. i. 22.

[3] As in the above-mentioned play of Terence.

[4] Cf. the fragment of the comic poet Posidippus, Stob. *Floril.* t. 77. 7; Meineke, *Frag. Com.* Gr. iv. 516. The doubts raised by some against my view seem based more on humane feelings than on critical grounds.

tokens and marks were attached to the exposed child,[1] which under more favourable circumstances were to render its recovery possible to its parents. To put to death a child whose bringing up had once begun was not permitted.[2] Before the time of Solon the father had the right of pledging or selling his children; this, however, was forbidden by Solon's laws, with the solitary exception of the case of unmarried daughters who had been led astray and seduced.[3] The father seems to have possessed the right of repudiation and disinheritance; but although we do not know by what legal restraints he was limited in exercising these rights, we may perhaps assume as certain that he could not do it merely at his pleasure. We know, however, that it was necessary to give public notice of repudiation by means of a herald, and, accordingly, this served to place it under the control of public opinion.[4] For the proper education of children, the laws at least took so much care as to give the general command that every one should cause his son to be instructed in music and gymnastic.[5] More particular directions as to compulsory education were hardly considered necessary by Solon; he trusted to the parental feeling of duty, and to the private good sense of each individual. That in the earlier period, the Areopagus could interpose where there was a real neglect of this duty, we may unhesitatingly assume on the statement of Isocrates.[6] It is probably also beyond doubt that a γραφὴ κακώσεως might be instituted in the interest of fatherless children against their guardians, if these neglected their duty in this relation; or that, even without this, the Archon was empowered to interfere, this functionary being charged with the duty of caring for orphans and widows in general.[7] Further, those parents who could not leave their children a property sufficient to secure their maintenance, were bound by law to have them taught some trade as a means of support, since, if they omitted to do so, the law declared them deprived of any right, when they had reached old age, to demand support in their turn from their children.[8] The same penalty was incurred by them if they had in any way hired out their children for immoral

---

[1] Γνωρίσματα.—Becker, *Charicles*, p. 222 (Eng. tr.).

[2] Cf. *Antiq. jur. pub. Gr.* p. 331, note 2.

[3] Plut. *Solon*, c. 13 and 23.

[4] Ἀποκήρυξις.—*Att. Proc.* p. 432; cf. Philippi, *Göttinger Gelehrte Anzeiger*, 1867, p. 781.

[5] Plato, *Crito*, 50 D.

[6] Isocr. *Areopag.* c. 17, § 43 *seq.*

[7] Law quoted by Demosth. *in Macart.* p. 1076.

[8] Plut. *Solon*, c. 22.

purposes;[1] but it is certain that they could also be punished for so doing by means of a public prosecution.[2]

Under music, in which the law commanded that the sons should be instructed, there is included, as is well known, everything that belongs to the culture of the intellect and emotions. This, with the poorer classes, was naturally limited to the necessary branches of elementary knowledge, such as reading, writing, and arithmetic,[3] which were taught by the Grammaticus or Grammatistes. Teachers appointed by the government did not exist in Athens, any more than in most of the other States of Greece; nor were they needed, since without them there was no want of persons who adopted the calling, and who, as soon as they had inspired the public with confidence, were employed and paid by the parents of their scholars. This early instruction usually began in the seventh year, and consisted—after the first elements of the alphabet had been acquired by the teacher writing out and the boy copying—in reading exercises, for which the poets were usually preferred, and among them those from whom a salutary influence was expected on the culture of the higher nature and the disposition of the young. For this purpose, even at an early time, there already existed collections of suitable passages from Homer, Hesiod, Theognis, Phocylides, and others,[4] which the boys, since they themselves seldom possessed books of the kind, were made to copy, to learn by heart, and to repeat. Of course instruction in many subjects, including such as was specially grammatical and linguistic, might be appended to this; but the first beginnings of such a teaching are somewhat late—not earlier than the age of Socrates—and certainly remained for a long time remote from the lower class of schools.

Somewhat later than this grammatical instruction began instruction in music, in the narrower sense of the word,—that is, the art of sound; in which, as we have already seen,[5] the Greeks saw not merely a pleasant pastime for idle hours, but a real means of culture, of the most marked influence on the emotions and dispositions. The life of man, says Plato,[6] demands regularity of rhythm, and a harmonious state of the inner nature, and on this account the young must be made

---

[1] Æschin. *in Timarch.* p. 40.
[2] *Att. Proc.* p. 334 *seq.*
[3] Becker, *Charicles*, p. 227 (Eng. tr.).
[4] Cf. Plat. *Legg.* vii. 15, p. 273; Galen, *de Hippocr. et Plat. Dogm.* iii. 4 (vol. v. p. 315, Kühn); Iamblichus, *vit. Pythag.* pp. 111 and 164; Schömann, *Antiq.* p. 332, note 13; and *Opuscula*, iv. 27.
[5] See page 107.
[6] Plat. *Protag.* p. 326 B.

acquainted with the songs of good poets, and must learn to sing them to the lyre, in order that they may thereby be accustomed to right measure and good order, and be moulded to a corresponding behaviour in their words and deeds. Accordingly, through this musical instruction, an acquaintance was also secured with the best works of lyric poetry, and facility in the use of musical instruments was practised solely with the aim of being able to recite that poetry, according to its kind, with the proper musical accompaniment. Accordingly the instrument which the boys learnt to play was by preference the lyre, which was best adapted to accompany song.[1] To play the flute was regarded as unbecoming, at any rate after the time of Alcibiades,[2] who himself caused it to be so regarded. Only those perhaps applied themselves to it who wished to become musicians by profession; of these, however, there can hardly have been many among the future citizens of the State, to whom there lay open the prospect of an honourable course of life. To practise art as a profession, not for one's self and one's own improvement, but in order to please others with it for payment, is declared by Aristotle[3] to be unworthy of a freeman, and fitted only for hireling natures. Even though musical virtuosi might be in great favour with the public and be richly rewarded, yet they were nevertheless regarded only as persons of an inferior station, and the musicians who really enjoyed general respect and honour owed this not to their character of virtuosi, but rather to their scientific treatment of music, the principles of which it is a part of philosophy to search for and to grasp, and a part, too, which is connected with the highest and profoundest of its problems. As a general means of culture, however, music, even merely on account of its ethical effect, was held in high esteem, and on this account, so long as this regularity of rhythm, that regular and moderated attitude of the soul was prized as the principle of all virtue, only such kinds of music were found adapted for the instruction of youth as seemed likely to further this end. These, moreover, were only allowed in connection with the words of the song, to which it was in fact their true and primary function to attach themselves as a corresponding and inspiring accompaniment. On the other hand, a music without words, a mere playing with sounds, first became prominent at a later time, when the aim was merely to tickle the ears, and to excite

[1] Hermann on Becker's *Charicles*, cf. also Arist. *Pol.* viii. 6. 5. ii. 38.
[2] Plut. *Alcib.* c. 2; Gellius, xv. 17; [3] *Pol.* viii. 7. 1.

feeling, in manifold ways indeed, but without clearness and precision. This perversion of music, however, had already made its way into Athens in the time of Aristophanes, and even the poets humoured the taste of the public, by composing words for such rhythms and melodies.[1]

Instruction in gymnastic apparently began about the same time as that in music, and ranked as no less essential a part of education. In it not only was the necessity kept in view of fitting the body for the works and exertions demanded by the future calling of the man, whether in peace or war, but it was also thought, apart from extraneous considerations, that the body itself had no less claim than the soul had to be developed and trained into all the perfection and beauty of which it was capable, while, at the same time, the soul in a neglected body would not easily attain to perfect health, and that true Kalokagathia consisted only in the harmonious training of the two sides of humanity. The schools for bodily training were the palæstræ, of which there were no insignificant number in Athens. These were partly, at least, built at the public expense,[2] in order to offer the requisite opportunity for those gymnastic exercises for which the gymnasia, three only in number, did not suffice, and also were not properly intended. Some of the palæstræ were named after persons, such as Taureas, Sibyrtius, Hippocrates, of whom it is uncertain whether they were the builders or institutors of the building, or whether they were the teachers of gymnastic (Pædotribæ) who gave instruction in them. But State-appointed teachers for these exercises certainly did not exist any more than public teachers of grammar and music. The Pædotribæ were private teachers, who offered themselves to parents for the instruction of their children, and by whom, when a number were intrusted to them, the exercises before practised without art and merely according to nature, in which the elder children directed the younger, and the fathers or the Pædagogi of the boys could take the superintendence, were scientifically and methodically regulated. The fact that in Athens these gymnastic arts, like all others, were cultivated in a special degree, may be proved by Pindar's saying,[3] "From Athens must come the teacher for champions in gymnastic

[1] Plut. *de Mus.* c. 30; cf. Plato, *Legg.* ii. pp. 669, 670.

[2] (Xenoph.) *de rep. Ath.* c. 2. 10.

[3] Pind. *Nem.* v. 49 (89). The invention of the palæstric art was ascribed to Theseus or to his instructor, Phorbas.—Pausan. i. 39. 3; Schol. Pind. *loc. cit.* There seem, however, also to have been foreign Pædotribæ in Athens, since we find mention in Diog. Laert. iii. 4 of an Ariston of Argos, whose palæstra Plato is said to have visited.

contests, or for athletes;" although it is true that athletics proper were not included in that department of the instruction of youth which pertained to a noble development of the body. For these athletics aimed more at a one-sided specialistic proficiency in one or other kind of athletic competition, than at a harmonious development conducive to health, activity, and beauty in general: nay, they partly acted even in a contrary direction, making the body useless for all other kinds of activity, endangering the culture of the higher nature by the care spent exclusively on the body, and substituting a business like that of an artisan for a noble exercise of strength. On this account, wise men thought little of them,[1] and that the Athenian lawgiver himself passed no very favourable judgment upon them may be inferred from the fact that he reduced to narrower limits the additional rewards with which it was usual to honour the athletic victors in the festal games.[2] Accordingly, what the Pædotribæ taught, or were supposed to teach, in the palaestræ, was not athletics, and did not exceed that measure of bodily training which was serviceable and fitting for every one; it was a wise and unassuming art of gymnastic, an instruction aiming at the due exercise and care of the body, in accordance with the rules drawn from experience; although it is certainly quite possible that many may have devoted more time to the pursuit, and cultivated a purely athletic frame of body. The gymnastic art is sometimes opposed to the pædotribic as the general to the special, the higher to the lower; the gymnastic art being the system of caring for, strengthening, and exercising the bodily powers, founded on science, and developed in all its parts; the pædotribic art dealing only with that part which related specially to the instruction of youth, for which no great knowledge was requisite, but merely sound experience.[3] For this reason, the name of gymnastes was regarded as more desirable than that of Pædotribes, somewhat as at the present time the name of "educator" has a more imposing sound than that of schoolmaster; and those who guided the exercises of adults, or of the youths who prepared themselves for gymnastic competitions, adopted the title, not of Pædotribæ, but of Gymnastæ, although in fact it was neither the case that the palæstræ

[1] Becker's *Charicles*, p. 294 (Eng. tr.).

[2] Diog. Laert. i. 55.

[3] Cf. Haase, *Allgemeine Encyklopädie*, iii. 9, pp. 191, 192. It is true that Isocrates, *de Permut.* § 181, terms gymnastic a part of the pædotribic art; but the sense in which this is to be understood has been correctly remarked by C. F. Hermann, *Göttinger Anzeiger* (1844), p. 71.

were attended only by boys, nor that the gymnasia were frequented by adults exclusively.

The special function of the gymnasia, however, was to serve not so much for the instruction of the beginner as for the exercising and perfecting of the youths already prepared in the palæstræ. They consisted of extensive promenades with spaces and conveniences for every kind of gymnastic pursuit, and had, at least in later times, palæstræ attached to them. Athens in its best period had three such gymnasia—the Academy, the Lyceum, and the Cynosarges—which were all three situated outside the city. The Academy, called after an ancient hero Academus, was some six to eight stadia, or at most an English mile, north-west of the city, and included a piece of ground which Hippias the son of Pisistratus had surrounded with a wall, and Cimon had beautified with water-courses, walls, borders, and garden promenades, and which contained many altars and shrines of gods and heroes.[1] The Lyceum, or more fully the gymnasium near the Lyceum, *i.e.* by the sacred place of Apollo Lyceus in the east of the city on the Ilissus, was beautified by Pisistratus, by Pericles, and afterwards by the orator Lycurgus, in a similar manner to the Academy.[2] Finally the Cynosarges, near the Lyceum, was so called from a sanctuary of Heracles, of which tradition told that in olden time, when sacrifice was first offered there to the god, a white dog (κύων ἀργός) stole a portion of the sacrifice.[3] In earlier times boys of inferior birth, *i.e.* boys born of a non-Athenian mother, are said to have been permitted to go through their exercises only in this gymnasium, but this rule was departed from as early as the time of Themistocles.[4] Later there were added to these a gymnasium of Ptolemæus in the neighbourhood of the temple of Theseus, which the Athenians owed to the munificence of an Egyptian king, probably Ptolemy Philadelphus, about 275 B.C.,[5] and the so-called Diogenic gymnasium, possibly named after its founder, as to whom however we have no information.[6] There are also mentioned a gymnasium of Hermes and a gymnasium of Hadrian.[7] Such an increase might be welcome at a time when young men eager to learn poured into Athens in great numbers from Italy and other parts of the Roman dominions,

---

[1] Cf. Leake, *Topog. of Ath.* i. p. 195 *seq.*

[2] *Ib.* i. pp. 134 and 274.

[3] *Ib.* p. 133. Another explanation of the name is put forward by Göttling, *Ges. Ath.* ii. p. 166.

[4] Plut. *Themist.* c. i.

[5] Leake, *Topog. of Ath.* i. p. 124.

[6] Cf. E. Curtius, *Nachrichten über d. G. A. Univers.* 1860, no. 28, p. 337. Stark, *Heidelberger Jahrbücher*, 1870, p. 644.

[7] Pausan. i. 2. 4, and 18, 9.

and who, although they came primarily only for the sake of rhetorical and philosophical studies, yet did not intermit the bodily exercises for which the gymnasia offered them opportunity.[1] In earlier times the three first mentioned had sufficed to give opportunity to the younger citizens, in the last two years before they became liable to military service and were inscribed in the lexiarchic register, of preparing themselves through zealous practice in gymnastic exercises for the military services for which they were soon to be called upon. For this without doubt was the chief object of the gymnasia, although they were certainly by no means used by such youths exclusively, but also in many ways by both young and old; and further, their use for this object seems not so much to have been expressly prescribed by the laws as to have been handed down by custom and tradition, on account of their exact suitability to the purpose required.

In general the laws relative to the instruction of youth contained no special provisions as to what should be learnt and practised, and in what manner this should be done. They contained merely ordinances designed to secure decency and propriety in the schools and places of exercise, and to guard against impropriety and temptation. Moreover, the parents took care to have their sons accompanied by pædagogi, who went with them to school, brought them home again, and kept them generally under continual supervision. But for this purpose slaves were employed, and for the most part only such slaves as were of little use for other work, so that such supervision was not the best kind of provision for the discipline and morality of the children.[2] The laws contained provisions as to the number of boys that might be received into one school, clearly in order that the discipline might not be rendered difficult by overcrowding, and also as to the time at which the school should open and close, viz., not before sunrise and not after sunset. They required again that the teacher should be a man of mature age, over forty; they forbade adults, with the exception of the sons or brothers, or sons-in-law of the teacher, to visit the boys' schools, or to mix with the boys at the school feasts of the Hermæa or Musæa; but these ordinances, for some of which we have no certain evidence,[3] soon fell into oblivion.[4]

[1] Cf. Böckh, *de Ephebia*, Progr. 1819, reprinted in Seebod. *Archiv. für Phil.* 1828. pt. iii. p. 78 *seq.*

[2] Cf. Plat. *Alc.* i. p. 122 B; *Legg.* iii. p. 700; Stobæus, *Floril.* 43, 95, *Excerpt. Floril.* (Gaisford), vol. iv. p. 49.

[3] They are from the passages from laws inserted in the speech of Æschines *in Timarch.* § 8 *seq.*, passages of which the authenticity is not certain.

[4] Cf. *e.g.* Plat. *Lys.* p. 206 D, and Charmides *init.*, Theophrast. *Char.* c. 7, and Xen. *Symp.* c. 4. 27.

An authority corresponding to the Pædonomi at Sparta and in several other Greek States is not found in Athens; and what the Areopagus might have done in earlier times in this direction was no longer done by it in later times, even after a part of its ancient right of supervision was restored to it, as is clear from the complaints of Isocrates. A number of functionaries, whose titles indicate a supervision over the discipline and behaviour of the young in schools and gymnasia, *e.g.* Sophronistæ, Cosmetæ, Hypocosmetæ, and the like, all belong to a later period, and none of these names occurs earlier than Ol. 115 (B.C. 317).[1] The appointment of such functionaries in the later period is easily explained from the same circumstance to which we have above ascribed the need of an increase of the gymnasia; Athens, whose democracy was then to a great extent toned down, was visited by numerous youths from foreign countries for purposes of study; and their parents would probably have felt anxiety about sending them there had not provision been made for good discipline. In the earlier times we find Epimeletæ of the Ephebi mentioned in a speech of Dinarchus delivered about Ol. 114. 1 (324 B.C.);[2] and these must certainly, from the way in which they are there mentioned, have exercised a supervision over the young; but we know no further particulars concerning them. We also find an Epimeletes and an Epistates of the Lyceum, and an Epistates of the Academy,[3] and we may perhaps conjecture that such officials existed for the other gymnasia as well. But it is possible that their superintendence had reference merely to the ground and buildings, together with the internal fittings, as being State property. As long as the popular spirit in general preserved the ancient purity and virtue, special magistrates for the supervision of the young were scarcely felt to be wanted,—the prevalent mode of behaviour was enough to insure that the reins of good discipline should be held with a firm hand, and that the young should be accustomed to propriety and honourable conduct in all their actions, and should be forcibly retained therein by means of severe punishments; as in the description given by Aristophanes in the *Clouds* (961 *seq.*). But as early

---

[1] *Corp. Inscr.* no. 214. The Sophronistæ here mentioned, however, are clearly not in any way overseers over the boys, but persons named to attend to the police arrangements at festal assemblies of the Demotæ. In Dem. *de Fals. Legg.* p. 433, an official is probably not mentioned at all; and the pseudo-Æschines, in the *Axiochus*, cannot prove anything for the earlier period.

[2] *In Philocl.* § 15.

[3] Hyperid. *in Demosth. Frag.* § 20; *Corp. Inscr.* no. 466; Hesychius, *sub voc.* ἀρχέλας.

as Aristophanes' time a change had taken place; and though his picture of the fall of the old system of discipline may seem overdrawn, this much, at any rate, may certainly be gathered from it, that examples of shameless immorality and dissoluteness must even then have been tolerably frequent among the boys and young men of Athens. But the palæstræ and gymnasia especially are depicted, not only by Aristophanes, but also by other writers, as dangerous to morality in one direction, namely, with reference to pæderastia.[1] That the sight of forms in all the beauty of youth, stripped of all covering, and in the most various positions and movements, might excite, and, in sensual natures, necessarily did excite, not merely an æsthetic pleasure, but also impure desires, is beyond any doubt. It would of course be presumptuous to deny that a purer kind of love for boys existed in Athens as it did in Sparta: how else should such men as Socrates, Plato, and others like them, have spoken of it as they do speak? how could it have been possible to venture to consecrate the statues of Eros in the very gymnasia themselves?[2] But even this nobler affection was nevertheless combined with a sensual alloy, with a gratification found in bodily charms, and it possessed an influence over conduct which we may not set forth with too great minuteness, lest we should overstep the delicate line between purity and impurity. That the feeling in many cases took the character of a passion such as only love between different sexes can produce is proved by numerous examples; and the passion, however æsthetic and free from sensuality its commencement might have been, yet naturally ended by inflaming the sensual nature as well. The popular judgment, in the times of which we possess more complete information, was exceedingly lax towards such an error of passion; even the fact that a man appeased his sensual desire in embracing a boy who was the object of his love, seemed to it to involve nothing worthy of punishment, even if we believe, and gladly believe, that that coarsest kind of satisfaction which is indicated by expressions like *εὐρύπρωκτος* and *καταπύγων* was not often reached. But even apart from this, the matter is bad enough. If, however, it is true, as the orator Æschines assures us, that the State itself raised a revenue from boy-favourites who sold their favours for money, then the evil

[1] Cf. Meier, *Allg. Encykl.* iii. 9. 167. The whole subject of Pæderastia is dealt with by Meier with such exhaustive thoroughness that I need only refer to him with regard to the whole of what follows in the text concerning it.

[2] Cf. Athenæus, xiii. 12, p. 561; Cicero, quoted in Lactant. *Inst. Div.* i. 20. 14.

reached a degree at which we shudder, and the State that suffered it laid upon itself a disgrace for which there was no excuse.

Let us now turn from this disagreeable picture to better features in the Athenian character.

The instruction of the young, properly so called, was concluded with the sixteenth year, or if the two years' exercises in the gymnasia are taken into account, with the eighteenth. At this age the young man became liable to military service; and as a citizen entering upon citizenship, he began to perform his military duty,[1] at first in the capacity of Peripolus. But the poorer classes of course took their children away from school long before their sixteenth year; and contenting themselves with the necessary branches of elementary knowledge—reading, writing, ciphering, and some gymnastic culture, including, it seems, especially the art of swimming[2]—made them learn some trade as a means of support. With persons in easy circumstances who aimed at higher culture the time of learning lasted much longer, and did not begin, in many things, until the period of adolescence. To the circle of general culture, the ἐγκύκλιος παιδεία, which was limited to knowledge and comprehension of the poets, to some proficiency in music and gymnastics, a considerable addition was usually made in the Socratic age. We find Hoplomachia mentioned as a special subject of instruction,[3] the term being used to signify a more complete instruction in the use of weapons than could be insured by the usual military exercises. Theoretical tactics and strategy were also taught for the benefit of those who wished to devote themselves principally to a military career.[4] The art of drawing began to be considered by many as an essential means of education, in order to render more acute the perception of form, and the faculty of criticising works of art.[5] To the future statesman the rhetorician offered his instruction; and all the different departments of knowledge, in so far as they had then taken shape, were taught by the so-called Sophists. These persons professed to impart to their scholars a knowledge of the essence and properties of things, and to lead them to a correct perception regarding their proper application in life. Among their number were men worthy of

[1] See above, p. 360.

[2] Hence the proverb, μήτε νεῖν μήτε γράμματα, ἐπὶ τῶν ἀμαθῶν.—Diogen. vi. 56, with the citations of the editors, *ad loc.*

[3] Plato, *Lach.* p. 182; Haase on Xen. *de rep. Lac.* p. 219; Cron, *Einleit. zu Lach.* p. 10; Winckelmann, *Proleg. to Euthyd.* p. xviii. *seq.*

[4] Plat. *Euthyd.* p. 273; Xen. *Mem.* iii. 1.

[5] Arist. *Pol.* viii. 2. 3.

great respect, and one of them, Prodicus of Ceos, has even been designated as a precursor of Socrates.[1] But there were also charlatans among them, who deceived mankind with a false appearance of knowledge; and, in general, the tendency of Sophistry to drag all matters, human and divine, before the bar of the understanding for trial, and to permit all things to pass current only so far as they stood this trial, of necessity weakened the respect for those matters of belief and that obedience to religion and to the State which had been handed down by tradition; the more so since, on the one hand, many of these subjects could not, in fact, endure any very severe testing, while, on the other hand, those who undertook the trial were themselves not sufficiently aware of the necessary limits of knowledge, and entrusted more to the understanding than it is capable of effecting. Certainly Sophistry was a necessary stage of development in the intellectual life of the people; its errors must not make us blind to its services; but it is equally certain that the decline of religion and morality, though not, it must be admitted, caused by it alone—for it was purely the offspring of its age—yet was aided by it. The schools of the more famous Sophists enjoyed a considerable attendance, especially of the younger generation, while older men and friends of the old order gravely shook their heads.[2] Their lectures, too, were well remunerated,[3] so that many of them acquired considerable property. Even if payment for teaching is not itself a matter of reproach, yet with many of them the lust for gain manifested itself in much too glaring colours, and often misled them into striving after notoriety and applause rather than after the truth.

The education and culture of the female sex was left, in a far greater degree than that of the male, merely to custom and tradition, and was solely a matter of the household and family, without being regulated by legal provisions. Girls' schools to which the citizens might have sent their daughters did not exist.[4] What the girls had to learn they learnt at home from their mothers or the women-servants, and it was as a rule confined merely to the feminine work of spinning, weaving, sewing, and the like. That meanwhile other branches of knowledge

---

[1] By Welcker, *Rhein. Mus.* 1833, and *kleine Schr.* ii. p. 393. An objection to his views is, however, raised by M. Schanz, *Beitr. zur vorsocratischen Philos.* i. 43.

[2] Cf. the admirable picture of Anytus, in Köchly's *Akad. Vortr. u. Reden*, p. 262 *seq.*

[3] On the considerable fees paid—as much as 100 minæ for a complete course of instruction—cf. Böckh, *Pub. Ec. of Ath.* p. 121.

[4] Becker, *Charicles*, p. 236.

were not excluded, and that, at least in the better households, the daughters also learnt reading and writing, is certain;[1] and it is equally certain that the views prevalent in the popular belief concerning the gods and the duties of religion, and the general rules of proper and becoming behaviour, were imparted to them, not indeed by catechisms and copybooks, or by instruction during special hours, but by frequent hints as opportunity offered; however limited these may have been in comparison with what was learnt by the boys and young men, and however little of the progress of culture and enlightenment made its way to them. The life of the daughters was confined to their parents' home and to domestic intercourse with their female relatives and friends. In the households the women-kind formed a section apart, either in the upper story or in the back rooms,[2] and were not easily approached by men, especially by strangers. In the streets and public places even married women, if they did not belong to the lowest class of all, did not appear without the escort of a male or female servant.[3] Numerous assemblies of both sexes intermingled were only collected together at religious festivals, and even here the women were probably for the most part separated from the men. This, however, was not always the case; and hence it was there that it was most easily possible for the men and women to approach one another, and in the comic poets we even hear of women having become pregnant on the occasion of the nocturnal celebrations of the mysteries.[4] Attendance at dramatic representations of every kind was not forbidden to the women by any law; it depended entirely upon the men whether they would permit their relatives to go there or not, and that no man of sense permitted those women over whom his power extended to go to the comedies may be assumed with as great confidence, as it may that the contrary was the case with regard to tragedy.[5]

Since the girls were usually married at a very early age, even as early as their fifteenth year, their further education lay for the most part in the hands of the husband, and Ischomachus, as described by Xenophon, may serve as an example of the way in which a sensible and right-thinking man busied himself in making the young creature into a good

[1] Cf. *e.g.* Dem. *in Spud.* pp. 1030 and 1034.

[2] Cf. Becker, *Charicles*, p. 258.

[3] Cf. Theophr. *Char.* c. 22, and Casaubon's comment, in Ast, p. 197.

[4] Plaut. *Aulul.* iv. 10. 64; Terence, *Adelphi* and *Hecyra*; cf. Cic. *de Legg.* ii. 14, § 36.

[5] Cf. *Antiq. jur. publ. Gr.* p. 341, 9; Becker, *Charicles*, p. 403 *seq.*; Stallbaum on Plat. *Legg.* ii. 658 D.

housewife.[1] Ischomachus tells Socrates how he married his wife as a girl not yet fifteen, whose knowledge did not go beyond the feminine acquirements of spinning and weaving, and the preparation of articles of dress, and who had seen and heard as little as possible of everything else. For this reason however she was uncorrupted, docile, well-disciplined, and willing, so that she readily received and zealously carried out the teachings and directions that he gave her. The manner in which Ischomachus begins this instruction with a religious ceremony is a feature we must not overlook. Together with his young wife he prays and sacrifices to the gods, that they may give their blessing upon it, and then so soon as she has overcome her maidenly shyness with him, he gradually makes her acquainted with every single duty and obligation of a good housewife, and with the manner of their fulfilment. It is unnecessary to repeat all these in this place, but the position he promises her if she fulfils his hopes must not be passed over in silence. She will then, he tells her, at once be more important in the household even than himself; he will become almost her servant, and she need have no anxiety as to becoming less valuable to him in advanced age; on the contrary, even as an old woman the more she is a true helper to him and a true protectress to their children, the higher will she be held in honour by the whole household, as well as by himself. Ischomachus generally passed among his fellow-citizens as a true Kalokagathos: we may therefore also regard the wife, as he depicts her, as the type of a genuine Athenian housewife. Types, indeed, were not always realised in Athens, any more than they are with us; but that the condition of things was the same, at least approximately, in many Athenian houses, as it was in the house of Ischomachus, we have no reason to deny.

In the life of such an Athenian housewife much indeed may be found wanting. She has no reading as a pastime and instruction. She practises none of the fine arts; for her there is no social circle of gentlemen and ladies with cultivated conversation upon literature and art, or the events of the day, though to exclude women from these things appears to us moderns to be barbarous, and derogatory to the dignity and rights of the sex. And thus much is certain, that the female sex was not honoured in Athens in the way it is with us. Even the lover saw in her whom he loved no such perfections as those that are extolled by modern romance; the natural and sensual secured the pre-

[1] Xen. *Œcon.* c. 7.

dominance for itself, and the general judgment declared women to be a subordinate sex, inferior to man not in body alone, but in intellectual and moral endowments, weak, easily led astray, requiring supervision and guidance, and little capable of participation in the higher interests in which the life of the man moved and had its being. It may be that the women were wronged herein: to us at least it seems so, because we derive the standard by which we judge from women as we know them, or believe we know them, now. But human nature is not the same under every sky and among every people; and would it be too great an imputation on our discernment if we were asked at least to grant as a possibility that the Greeks were in a better position for judging their women, and what was proper for them, and of what they were capable, than we are at the present day?

With the division in society between the two sexes, and the little respect in which women were held, it is not to be wondered at that in concluding marriage other motives came to the front than that which many people at the present time are inclined to regard as the only justifiable kind,—the mutual affection of the young couple,—looking to the danger that soon after marriage, in a season of calm consideration, disillusionment and remorse may come upon them. Lawful marriages could only be concluded as a general rule between persons of citizen rank; between citizens and foreigners they could take place only in exceptional cases,—that is to say, when the latter had been expressly granted Epigamia. If this were not the case, the connection of a citizen with a woman who was not a citizen could only be regarded as concubinage, and the children of such a connection were *νόθοι*. To a foreigner settled in Athens the daughter of a citizen could only be given in marriage if he declared himself a citizen; but by so doing he rendered himself liable to the punishment which by law was attached to assumption of citizenship, that of being sold into slavery. It might more frequently happen that a woman who was not a citizen was stated to be so, and married to a citizen. Such a woman also became liable to the like punishment.[1]

That love-affairs between young men and daughters of citizens, educated as they were at home, could scarcely ever come into question, is self-evident from what has been said above as to the seclusion of the girls. The parents accordingly retained the duty of choosing for their children, in the manner they thought best calculated to insure the foundation of a good

[1] *In Neær.* p. 1350, § 16.

household.[1] Then the contracts of marriage were published, and the proper stipulations made with regard to the dowry. In the case of an heiress whose father was dead, the next relation in the order of inheritance was entitled to marry her.[2] If, on the contrary, the girl was poor and unfit for him to marry, he was bound to buy himself off according to a scale fixed by law.[3] The marriage, when concluded, was formally announced by the husband to the members of his Phratria; at the same time, a sacrifice was offered and a feast given. The omission of this formality afforded a reason for doubts as to the legality of the marriage.[4] But the actual espousals did not pass off without being preceded by religious functions;[5] for the Athenians were well aware that, as in all other matters, so also at marriage, man stands in need of the divine blessing. The dowry was not the property of the husband; he possessed merely its usufruct, and was therefore obliged to give security for it, in case of the dissolution of the marriage, when the dowry was to be given back to the wife or to her relations.[6] Besides the dowry, however, the woman also brought contributions of various kinds into the house, all of which remained her private property. But she had not an unrestrained right of disposition over them, since the laws provided that no woman could execute valid instruments of transfer above the worth of a medimnus of barley. In this regard, accordingly she was situated similarly to those under guardianship, who were likewise incapable of executing such instruments.[7] And how little the women were trusted may be learnt from the fact that even arrangements made by the men—the delegation of powers and the bestowal of gifts—might be legally combated as invalid if it could be proved that the men had been improperly led to them by the persuasion of women.[8] If the husband died before the wife, the latter, if there were no children, returned with her dowry to the relations of her parents; if there were children, she might remain with them in the house of her husband.[9] The property, whether of the mother or of the father, fell to the sons as soon as they became independent; until that time it was administered by their guardians. If, at

[1] Cf. Becker, *Charicles*, p. 476.

[2] Cf. above, p. 356.

[3] Harpocr. *sub voc.* θῆτες; Phot. *s.v.* θῆσσαι; and the law (not indeed authentic) quoted in Demosth. *in Macart.* p. 1067. "Ut ne quid turpe civis in se admitteret propter egestatem," is stated by Ter. *Phorm.* iii. 2. 68, as the reason of the law.

[4] Cf. Schömann, note to Isæus, p. 263.

[5] Becker, *Charicles*, p. 482.

[6] See *Att. Proc.* p. 417 *seq.*

[7] Isæ. *Or.* 10, § 10, and Schömann's note, p. 439.

[8] Plut. *Sol.* c. 21; Dem. *in Steph.* ii. p. 1133, *in Olymp.* p. 1183.

[9] *Att. Proc.* p. 420.

the death of the father, one of the sons was already independent, he stepped into the position of the father with regard to his brothers and sisters, and accordingly became their guardian.[1] Sons of heiresses could claim delivery of their mother's property even in the lifetime of their father.[2] We also find that the husband who left a wife with children behind him at his death devised an injunction by will with regard to her marrying again, and appointed a husband for her;[3] though how far such appointment was really binding for a wife, we must be content to leave undiscussed. A dissolution of the marriage by separation, whether with the mutual consent of both parties, or merely at the will of the husband, followed without judicial intervention, only there was an obligation to repay the dowry. If, however, the wife had, by her behaviour, given a legal ground for the separation—for instance, by adultery—her dowry was forfeited.[4] The wife could not separate from her husband without his consent, except by a judicial decision. For this purpose it was necessary for her to forward a written statement to the Archon, in which were stated the grounds for the separation. On this statement it was then his duty, or that of the court, to pronounce judgment. To heiresses the State regarded a special protection as due from itself, because in conformity with the above-mentioned right of their relations, they were married by their husbands, for the most part, merely as appendages, and sometimes as very unwelcome appendages, to the property they brought with them. Hence, in the case of the ill-treatment of heiresses, any one was permitted to institute a public prosecution (*γραφὴ κακώσεως*)[5] against their husbands, and to move for the infliction of a more or less severe punishment, according to the circumstances of the case. The laws even contained a provision with regard to the performance of the connubial duty[6] at least three times in a month. This we are not to deduce merely from an anxiety to provide for the natural needs of the woman, but rather from the fact that the State had at heart the propagation of the household through children, for political and

[1] Lys. *in Theomnest.* p. 346, § 4, 5.

[2] See above, page 359, note 3.

[3] Dem. *in Aphob.* i. p. 814, *in Steph.* i. p. 1110, § 28, and *pro Phorm.* p. 945, § 8. The limitation (maintained by the speaker of the second oration *in Steph.* § 15) of the right of a naturalised citizen to make a testamentary disposition, not only in this respect, but at all, is quite incredible, and Meier is certainly right in ascribing to the speaker a misrepresentation, in applying what is true of *ποιητοὶ* (adopted children) to *δημοποίητοι*, who are also often called simply *ποιητοί*.

[4] *Att. Proc.* p. 413 *seq.*

[5] *Ib.* p. 289.

[6] Plut. *Sol.* c. 20.

religious reasons,[1] namely, in order that the number of the households should not be lessened, and that the gods should suffer no abridgment of the sacred rites due to them from each household. The legislation in Athens did not, it must be admitted, go so far as to impose the contraction of marriage upon the citizens as a duty enforced by compulsion, and to threaten celibacy with punishments, as was the case in Sparta;[2] but we must look to these same political and religious grounds for explanation of the fact that the laws allowed heiresses whose husbands were incapable of performing their connubial duties to have their place filled by a substitute (though only out of the circle of relations), without, on that account, being liable to punishment for adultery. In other cases, the adultery of the wife afforded not only a justification, but an obligation to the husband to separate from her. The woman guilty of adultery, besides this, lost the privileges of her station. She might not visit the public shrines, or appear in public with the usual feminine ornaments; if she did so, she ran this risk,—that any person might tear off her ornaments and offer her insult. Nay, the husband who remained in wedlock with an adulteress incurred Atimia.[3] When an adulterer was caught in the act, the husband might either put him to death himself, or maltreat him, put him in chains, or compel him to pay compensation; he might however content himself with a prosecution in form of law. What punishment was then incurred by the adulterer when found guilty we do not know. If the indictment (*γραφὴ μοιχείας*) belonged to the class of "assessed causes," and the crime was punished by a fine, this fell to the State, not the prosecutor. This follows from the nature of the public prosecutions to the number of which the *γραφὴ μοιχείας* belongs. The wife whose husband committed adultery had no remedy except a suit for separation, and only possessed this remedy, there is no doubt, in cases of especial gravity, and where her rights as mistress of the house were grossly infringed, when, for instance, the husband took a Hetæra into the house, or kept a mistress besides his wife.[4] Other occasional transgressions of married men, such as visits to a Hetæra, or to an immoral house, and the like, were disapproved indeed by morality, but not forbidden by the laws. The intercourse of unmarried men with Hetæræ was regarded rather as foolish

[1] Cf. Plat. *Legg.* vi. p. 773 E: *παῖδας παίδων καταλείπουτα ἀεὶ τῷ θεῷ ὑπηρέτας ἀνθ' αὑτοῦ παραδιδόναι.*

[2] That there was no *δίκη ἀγαμίου* in Athens is certain. See *Att. Proc.* p. 287; Becker, *Charicles*, p. 475.

[3] *Att. Proc.* p. 329; Lelyveld, *de Infamia*, p. 171.

[4] Andoc. *in Alc.* § 14; Hermann on Becker's *Charicles*, iii. 279.

and dangerous than as immoral; indeed, Solon himself is said to have appointed public brothels, in order that unsatisfied desire might not lead men astray to worse excesses and crimes.[1] But the calling of the keepers of such houses was none the less considered thoroughly dishonourable. The girls—probably without exception slaves—were considered, according to their several characters, to deserve either contempt or pity, or even love, and the New Comedy frequently deals with the love of a young man for a girl of the latter kind who has fallen into the power of a brothel-keeper, and then, while fortunately still retaining her purity, has been liberated. The Hetæræ in the narrower sense of the word—that is to say, women who, living a free life on their own account, sold their favours to men—have in part attained distinction by their intellect and culture, and the better among them probably for the most part entered upon a closer relation with a favoured lover, as "maîtresses," or "femmes entretenues," for as long a time as it suited both parties. They belonged, however, without exception, to the class of foreigners or freedwomen. We have no example of the daughter of an Athenian citizen becoming a Hetæra. It may however have happened, though certainly very seldom, that a woman who was a citizen lived with a man of whom she was not, properly speaking, the lawful wife. But with regard to such a relation (concubinage) a formal agreement was concluded, and a fixed sum stipulated for the woman, which insured her maintenance for the future.[2] The children of such a connection of concubinage had indeed as *νόθοι* no right of succession to the property of their father, but yet they ranked as citizens. If however a father gave over his daughter to immorality the punishment was death;[3] if the daughter led an immoral life against the will of her father he might sell her as a slave.[4] Forcible violation, not merely of women who were citizens, but also of foreign women and slaves, was punished with death or pecuniary fine.[5] Any one who gave himself up for money to others for the gratification of unnatural lust forfeited his privileges as a citizen, and if he nevertheless exercised the rights denied to him—for instance, held a public office, even of the most trifling character, or allowed himself to be seen in the popular assembly, or even came forward to speak—any person might summon him by

[1] Athen. xiii. p. 569 D; Harpocr. *sub voc.* *πάνδημος Ἀφροδιτή*; Hermann on Becker's *Charicles*, ii. 56. Cf. the saying of St. Augustine, *de Ord.* ii. 5. 12: "Aufer meretrices de rebus humanis; turbaveris omnia libidinibus."

[2] Isæus, *Or.* 3, § 39.

[3] *Att. Proc.* p. 333.

[4] Plut. *Sol.* c. 23.

[5] *Att. Proc.* p. 322 *seq.*

endeixis, and he might, if found guilty, receive the severest punishments.[1]

This right, which was granted by the constitution to every citizen in full possession of his privileges, to summon others before a court and to cause their punishment on account of these or other practices prejudicial to morality, was in fact, after the Areopagus had been deprived of its moral jurisdiction, the sole legal means of exercising a check, at least in some degree, upon gross immorality which either set itself above public opinion or succeeded in evading its notice. Yet we must not fail to recognise that, on the one hand, its application against those who had really merited it was only of exceptional occurrence, while on the other it was often resorted to by Sycophantæ, in order, by means of vexatious prosecutions, to strike terror into persons who really were innocent. To indicate the moral point of view from which the laws regarded the conduct of the citizens, it is of interest to glance especially at those offences to which the penalty of Atimia was attached; it being thereby indicated that any one who committed them no longer deserved to possess the honour of citizenship and the rights connected therewith. Such offences were[2] dereliction of filial duty towards parents, *e.g.* maltreatment of them, refusal of support if they needed it and the children were in a position to afford it, neglect of proper burial of them when dead; again, squandering of property through a dissolute course of life, wandering about without employment or means of honourable support, theft, tampering with goods intrusted to one's care, bribery of magistrates and judges, either effected or attempted, false testimony before a court, refusal of the obligatory military service, cowardly desertion of an appointed post in war, skulking and casting away the shield, insulting the public officers in the discharge of their functions. All these offences were punished with Atimia, some immediately on their first commission, others at least on the second occasion of their occurrence. It is clear that the laws were strict enough, and that the fault lay not with them but with the want of a consistent, powerful, and impartial execution of their provisions, if such practices, contrary to morality and good order, nevertheless often remained unpunished. Such an execution, however, was all the more

[1] According to the spurious law in Æschin. *in Timarch.* p. 47, even with death. See however the same Oration, p. 184.

[2] Cf. *Antiq. juris publici Græcorum*, p. 345. Here also reference may again be made to the law previously mentioned (page 334) inflicting the penalty of Atimia on those who were neutral in civil conflicts, even though it might not be strictly put into application.

difficult in proportion to the facility of misusing the right of prosecution, and of deceiving the popular courts, as well as to the general laxity of public morality at a time when freedom was considered to consist in being as little as possible constrained by the laws in any actions. The freedom men required for themselves they were compelled to grant to others. By many the Old Comedy has been considered as a kind of substitute for a censorship of morals, and Horace depicts it from this point of view in some well-known lines. But any one who considers the extant comedies with impartial eyes will be unable to avoid appraising its effect in this direction at a very low value. Its scourge fell upon the innocent quite as often as upon the guilty, and it followed the judgment of the crowd after whose applause it strove quite as often as it gave itself the trouble to regulate and direct it; while the whole manner in which it pandered to the taste of the multitude deprives it of any special claim to consideration, however witty and artistic it may have been apart from this, and however often it may have had the right upon its side. Even though the statement that a law expressly forbade the members of the Areopagus to write comedies may be an invention,[1] it is at least certain that the gravity and dignity attaching to their position must alone have forbidden them to do so; while, as a contrast to this, another law forbidding unbridled personal abuse in comedy, if it existed at all, lasted only for a few years.[2] But the same festivals of Dionysus, at which the Athenian people gratified itself with the representations of comedy, offered it a spectacle of a totally opposed kind in tragedy; and if we are unable to estimate highly the moral influence of the former, yet the latter, on the contrary, may be considered as adapted to produce an instructive and ennobling effect upon the perception and the disposition of receptive hearers. Comedy gave caricatured forms of common life, which at best could only have the effect of making follies or faults ridiculous or contemptible; tragedy, on the contrary, placed before its audience idealised pictures of striving, wrestling, struggling humanity, as in the conflict with external hindrances, misfortunes, and dangers, at times supported by moral strength and by helpful gods, it maintains itself, if not victorious outwardly, at least inwardly unconquered, while at times again, led into folly by error and passion, it expiates the consequences of its guilt—showing how a higher power guides all mortal action, and according to

[1] Cf. Meier, *Allgem. Litter. Zeitung* (Halle, 1827), no. 122, p. 135.

[2] *Id.* p. 136. Bergk, in Schmidt's *Zeitschr. f. Gesch. Wiss.* ii. p. 193; Hertzberg, *Alkib.* pp. 171 and 214; Grote, vii. p. 11.

unchangeable laws turns everything to its proper result. This is at least true of tragedy in general, even if it is not so of each single tragedy in an equal degree. On this account the ancients themselves indicated it as a source whence may be drawn manifold instruction and strengthening, many a model and warning, many kinds of consolation and assurance; and the remains we possess of the works of the tragic poets are also well adapted to confirm this judgment. We may no doubt assume that only tragedies of the better kind have been preserved, and that among those lost, if there was much that was excellent, there was much of moderate and inferior value, and of such a kind as that against which Plato[1] makes the charge that it aims solely at flattering and pleasing the spectator, not at raising and ennobling him. Another objection raised against tragedy by both Plato and others has to do with a feature common to it and to epic poetry, as well as to the choral division of lyric poetry, namely, with its choice of its subjects from mythology, in which it did not succeed in avoiding a representation of the gods incompatible in many cases with purer conceptions of the Divine Nature. This objection is manifestly not without foundation. The representations of the gods given by mythology were for the most part little fitted to have a beneficial effect on morality; and the poets who made use of them were of necessity often enough so situated that while on the one side they praised the divine wisdom and intensified reverence for the deity, on the other they made the individual divinities appear the very reverse of divine. To believe in a Divine existence which ruled over all things as the Supreme Power, even if it did not attain to personal existence, in the proper sense of the term, in any individual deity, whilst at the same time the personal gods to whom belonged the State worship were often seen with so little share in true divinity, may have been possible to advanced minds here and there, but certainly was not so for the multitude. However rich a poet might be in good teachings with regard to morality and piety, however expressly he might himself—as Euripides often does—blame the unworthy fables about the gods and reject them as untrue, yet the poets were unable to destroy the effect of these fables, or to help a purer view of religion to prevail. This was the case even with those who, like Æschylus, far from casting doubt, as Euripides did, upon the very existence of the popular gods, sincerely held fast the belief in them, but in such a manner as was compatible with a worthier idea of the Divine Essence.

[1] *Gorg.* p. 502, B.C.

Æschylus, while sharing the popular belief, yet at the same time raises himself above it; he does not put himself, as Euripides does, in an attitude of criticism and negation towards it; he enters into the forms of its representation, but he ennobles them by the sense in which he conceives them or which he brings into them. But how could the effect produced by such a poet —the only one of his kind among the Greeks—possibly have been great and general, when to understand him demands a disposition cognate to his own, and such a disposition was scarcely present in greater measure among his contemporaries than it usually is at present among those who profess to be his interpreters. We must therefore not rate too highly the effect of tragedy upon morals and religion, great though its æsthetic influence doubtless was. The sense of the people for artistic beauty in composition and language, in form and representation, must have been awakened and rendered acute in as high a degree by such works when they were brought before it on the stage, as by any other specimen of the works of art with which, especially after the age of Pericles, it saw itself surrounded: works of architecture, of painting, of sculpture, whose unequalled perfection, even as seen in the fragments of them that remain, still excites our admiration and astonishment, and which once shaped the receptive spirit of the people through the gratification afforded by proportion, harmony, and nobility of form. Pericles, in the speech already mentioned[1] at the beginning of this section, praises the love of the Athenians for beauty, coupled as it was with simplicity and frugality in life; and this praise is confirmed by many other testimonies.[2] No people was more receptive to the more refined and noble pleasures which are insured by art, and less inclined to seek its satisfaction in the coarser enjoyments which the barbarian counts as the true spice of life; and even in the times when the moral conduct of the Athenians is open to manifold blame, they yet invariably appear as the people most highly cultured, most full of taste and of *esprit*, of which the history not only of antiquity but of all times can tell.

The other feature praised in the Athenians in the speech of Pericles[3]—namely, the equality of all before the law, and the dependence of the estimate of the individual not upon rank and wealth, but only upon personal excellence and worth,—is pre-

[1] Thuc. ii. 40.

[2] Cf. Athen. iv. 14, p. 132; x. 11, p. 417; Luc. *Nigr.* c. 13 *seq.*; Böckh, *Pub. Ec. of Athens*, p. 101. Eustath. on *Il.* p. 1279, 40, mentions altars of Ἀφέλεια and Αἰδὼς on the Acropolis near the temple of the city goddess, and refers to Pausanias, who however only mentions that of Αἰδώς, i. 17. 1.

[3] Thuc. ii. 37.

cisely the true idea of reasonable democracy, or, as Isocrates says,[1] of democracy mingled with aristocracy. It is this democracy too that Herodotus has in his mind when he brings forward Athens as a proof that freedom is a good thing, since the Athenians, as soon as they had got rid of the tyrants and become a free people, rapidly rose to the highest rank among the Greeks.[2] But this aristocratic attitude of the democracy in Athens, as elsewhere, was not permanent. It founded the power and greatness of the State, but this very power and greatness contributed to destroy it, since the people was led astray into raising itself too high, and into following the lead no longer of the best men, but of those who best understood how to flatter the lower propensities and desires of the multitude. The age of Pericles is, as it were, the boundary between ancient Athens, "the city of the violet crown, worthy of fame, the pillar of Hellas,"[3] and the Athens of later times, in which, as Isocrates complains,[4] democracy only too often passed into disorder, freedom into lawlessness, equality before the law into reckless impudence. Ancient Athens, as above described, might foster the belief in Pericles himself, and similarly disposed statesmen, that it would endure even unlimited democracy without undergoing loss and damage. So long as he himself stood at its head, this belief was not falsified by events: the people, free though it was, followed his guidance; the situation was, as Thucydides expresses it, democracy in name, but in reality the government of the first man.[5] But when this first man no longer existed, and no other arose who could have replaced him, democracy proved itself in Athens also a dangerous gift, which ends by weakening and undermining the virtues by which alone it can be maintained. The evils of democracy have already been considered by us, both in general and with special reference to Athens, so that it is now unnecessary to spend time in depicting them. It is true that even in the times which were not their best the Athenians show themselves not so degenerate but that many of the traits of the nobility inherent in the nature of the people, are still visible: there is as yet no lack of characters worthy of respect, of encouraging traits, of praiseworthy deeds, such as no other people can afford under a like constitution; and, in comparison with the dealings of the oligarchy in their temporarily successful reaction, the popular party appears to

---

[1] *Panath.* § 153; cf. 131.
[2] Herod. v. 78.
[3] Pindar, *Frag.* 46.
[4] *Areopag.* § 20.
[5] ii. 65.

us as by far the better, and we gladly range ourselves in opposition to the oligarchy on the side of the Demos. But nevertheless, we cannot shut our eyes to the fact that even for this Demos a somewhat less unlimited democracy, had it been still possible, would have been more salutary. But it was no longer even possible; and the attempts of well-intentioned men to set up some barriers either remained without effect, as was the case with the restoration of the Areopagus as the supreme superintendent authority, or were not carried out at all, as was the case with the proposal of Phormisius, who desired to make the possession of land a condition of full citizenship. This proposal, as Dionysius states,[1] would have deprived of full citizenship only about the fourth part of the citizens; but this part consisted precisely of those who, in the city itself and in the Piræus, made up the majority of the citizen-population—traders, artisans, and sailors, without whom the prosperity and maritime power of the State could not subsist, and who usually made up the preponderating majority of the popular assemblies, in opposition to the possessors of land from the Demes, who appeared there in much smaller numbers. Accordingly it was natural that the proposal of Phormisius should fall to the ground. This city population, the peculiar home and focus of the democracy, was moreover of far less pure Attic blood than those who dwelt in the country demes. Of this the saying of the author of the treatise on the Athenian State is true,[2] that in Athens phrases and customs from all kinds of peoples are met with, mingled together; and this class again it is which another ancient writer[3] depicts as inclined to idle talk, dishonest, sycophantic, and with a propensity to foreign ways; while he praises the people of the country for having retained, in a state of greater purity, the old honourable character of simplicity, highmindedness, truth, and trustworthiness. The former, however, was in the main the result of a mixture of non-Attic elements, of liberated slaves and naturalised citizens, to whose hands, for the most part, trade and commerce were confined.

The pursuit of trade and commerce, however, now demands a somewhat closer consideration. Attica was as much driven to it by the natural peculiarities of the country, as admirably suited for it by its position. It is a peninsula with coasts rich in harbours, well situated, with any wind, for intercourse by sea:

---

[1] *De Lysia*, c. 32.

[2] (Pseudo-) Xen. *de rep. Ath.* c. 2. 8; cf. Cic. *Brut.* § 258.

[3] The so-called Dicæarchus, *de Vit. Gr.* p. 22, Buttm.

whilst it is easily able to receive imports by land as well. It lies in the neighbourhood of countries rich in products, with civilised inhabitants, with whom reciprocal exchange of requirements might take place with mutual benefit; but such an exchange was the more necessary for it, because its own soil did not produce those commodities which are most absolutely necessary in a measure sufficing for a numerous population. Among such commodities, the most important is corn. Without a plentiful importation of this from abroad, Attica was unable to subsist; it was necessary that about a third of the requisite supply should be imported. The districts from which it was brought were especially the coasts of the Black Sea, above all the Crimea, the Thracian Chersonese, Egypt, Libya, Syria, Sicily;[1] and in order the better to insure the requisite importation, it had been found desirable to pass various laws limiting in many ways the freedom of trade. Among these we may include the provision that no Athenian merchant, citizen, or resident alien, was to carry corn elsewhere than to Attica, that no capitalist was to lend money upon a ship destined to bring corn elsewhere than to Athens; and finally, that every ship which entered the Attic mercantile port with a cargo of corn should expose at least two-thirds of its cargo for sale in Athens.[2] To check the practice of engrossing corn, the law ordered that no private person should purchase more than fifty Phormi (baskets, a measure that may be estimated at about equal to a medimnus), and should not sell at a price more than an obolus higher than that at which he had bought.[3] Of the Board of Sitophylaces, whose duty it was to watch over the corn-trade, we have already spoken. Transgressions of this law were visited with severe penalties, sometimes even with death. Next to corn, timber for building, especially for the ships, was the most considerable article of importation. It was brought principally from Macedonia and Thrace. From the same districts were brought pitch and hides.[4] Iron and copper were furnished by various islands in the Ægean Sea, especially Cyprus, and by the neighbouring island of Eubœa. Fine woollen goods, especially carpets, came from Miletus, and also from Phrygia. Fine wines—since Attica itself only produced inferior kinds[5]—were brought

[1] Cf. Böckh, *Pub. Econ. of Athens*, p. 78; Hüllm. *Handelsgesch. de Gr.* p. 146.

[2] Cf. Böckh, *Pub. Econ. of Athens*, pp. 85, 55, 82.

[3] *Ib.* p. 82 *seq.*

[4] Böckh, *Pub. Ec. of Athens*, pp. 100 and 47.

[5] From Aristoph. *Pax*, 1162, it is clear that vines from abroad, *ex. gr.* from Lemnos, were transplanted to Attica.

partly from the islands, especially from Chios and Lesbos, and in a less degree from Thasos, Lemnos, Cyprus, Rhodes, Crete, Cos, Icaria, partly from Mende and Scione on the Thracian peninsula. Salt fish, a principal food of the poorer classes, came from the Pontus. And similarly a multitude of other articles, which it is neither necessary nor possible to enumerate singly, were brought from the most various quarters, and Athens, as Pericles boasts,[1] became, in consequence of this active commercial intercourse, a depot to which flowed every kind of desirable and useful article produced by foreign countries, so that what was foreign was no harder to obtain there than what was native.

In exchange for these manifold imports Attica had but few native products to offer. The most important was oil, in which, it is said, Plato traded with Egypt;[2] for the Attic oil was of exceptional excellence, and the olive-trees, the gift of the national goddess, stood under the especial protection of the State. No one was allowed to uproot olive-trees on his own land, except only for specified objects, and not above a specified number: they might be cut down, so that the root remained and might put out a new stem, though this also was certainly not free from restriction. Besides this, there were sacred olive-trees, which were invariably spared, and the oil from which was applied solely to religious objects.[3] A second famous product was the Attic figs, which even reached the table of the Persian kings.[4] Then we may mention honey, that of Hymettus, on account of the thyme growing there, being of especial excellence, and a favourite article abroad. Thyme itself might become an article of trade, as a favourite condiment, which throve nowhere else so well as in Attica.[5] Even salt was seasoned with thyme.[6] Attic salt, however, is famed rather in the figurative than in the literal sense, and did not form an article of trade. The wool of the Attic sheep, too, which is highly commended,[7] was probably made up only in Attica itself. For dyeing, coccus (the scarlet-berry) was used, and to this especial prominence is likewise ascribed among the products of Attica.[8] The sea provided fish, among which especially the plaice of Eleusis, the sardines of Phalerum, and the mullets of Æxonæ are

[1] Thuc. ii. 38; cf. Xen. *de rep. Ath.* c. 2. 7; Isocr. *Paneg.* § 42.
[2] Plut. *Solon*, c. 2.
[3] Law quoted in Dem. *in Macart.* p. 1074.
[4] Athenæ. xiv. 18, p. 652.
[5] Hüllmann, *Handelsgesch.* p. 23.
[6] Becker, *Charicles*, p. 330.
[7] Athenæ. vi. 60, p. 219, xii. 157, p. 540.
[8] Plin. *H. N.* xxiv. 14.

mentioned,[1] but which hardly furnished an article of export. Of the mountains of Attica, again, not only did Pentelicon and Hymettus furnish excellent marble for building and sculpture, but in the neighbourhood of Laurium there were silver mines of considerable productiveness. Their use has been spoken of previously, and they both secured a not unimportant revenue to the State, and were a source of prosperity to their lessees. As to the way in which the quarries of marble were used we have no information. But here also we may call to mind the yellow ochre, of which the ancient painters made use, and which likewise came in especial excellence from Attica.[2] Pre-eminently, however, did products of skilled industry form the articles of export of Attic commerce.[3] The productions of armourers and other articles in metal, gold and silver plate and ornaments, pottery of tasteful form and adorned with figures, articles of clothing and woven fabrics, household furniture of all kinds, and, when literature came to be more actively pursued, even books, were exported hence to all parts of the civilised world. Even a book-market was to be found in Athens, where not only literary works could be purchased, but also public documents.[4] The superiority of the Athenian manufactures may, to a great extent, be explained from the circumstance that the workers were not only slaves, but that freemen and even citizens were employed as well. Slave labour is, as a rule, bad; finer skill and invention are there almost out of the question. Only with free labourers does interest quicken zeal, and, if the master himself works along with the slaves, slave labour also prospers better. Hence may be explained the fact that we hear no complaints of injury to the citizen workmen from the manufactories worked only by slaves. The products of these manufactories were inferior to those of the free men, and hence entered into no markedly dangerous competition with them. Moreover, no trace is found of combination in guilds among the artisan class.[5] By the side of this industrial activity there was a vigorous and extended shipping trade, by which not only were native wares exported abroad, or foreign wares brought in to supply native requirements, but also commerce was effected between foreign

---

[1] Aristoph. *Av.* 76; Pollux, vi. 63; Athenæ. vii. p. 285.

[2] Plin. xxxiii. 56.

[3] Wolf on Demosth. *Lept.* p. 252.

[4] Cf. Aristoph. *Av.* 1289; Becker, *Charicles*, p. 273; Bendixen, *de primis qui Athenis extiterunt bibliopolis*, Husum. 1845. Cf. with this Sengebusch, *Diss. Homer.* p. 194; Polle, *Jahrb. für Philol.* 1868, p. 772; Buchsenschütz, p. 572.

[5] Cf. Frohberger, *de opificum apud Gr. cond.* (Grim. 1866), p. 26.

countries,—a business in which Athenian citizens, and not only Metœci, shared very numerously, whether as masters of vessels, as merchants, or as shipowners. Among the first named we understand such as had the command either of a ship belonging to another person, in which case they received payment, or of one owned by themselves and let to others for the transport of goods; their crews being probably for the most part slaves. Usually, however, shipowners and merchants were the same persons; the ship belonged to one person, or to several persons in common, who freighted it, and of whom one accompanied it himself, in order to see to the sale and purchase in the foreign country. For, with the mode in which commercial relations were circumstanced in ancient times, this was necessary, since there was no business done on consignment or commission, and no exchange, and therefore sale, purchase, and payment had to be performed by the principal. Among the owners, finally, are to be understood such persons as lend the merchant the requisite money, in return for which the ship or cargo, or both, is mortgaged to them.[1] As they bore the danger of possible loss, they lent only at high rates (τόκος ναυτικός), and twenty to thirty per cent. was not unusual, especially if the money was lent, not merely for the voyage outward (ἑτερόπλους), but also for the return as well (ἀμφοτερόπλους). The contracts for such loans (bottomry bonds) contained, for greater security, specifications, as detailed as was possible, of the places to which the ship should be taken; and, if the loan was given for the return voyage as well, relative to the freight to be brought back, and its value. If the loan was only for the outward voyage, it was necessary to repay it upon the arrival of the ship at its destination; and if the lender had not some kind of correspondent or business connection there who could receive it for him, he travelled with the ship himself, and was then enabled immediately to do fresh business with the money repaid him. The high rate of interest, however, proves not only the danger of the business, but also the great profit made by the merchant when the event was favourable; for without this profit he would not have been in a position to pay such rates of interest. To an adequate fulfilment of the contract he was constrained, not only by the penalty usually stipulated upon, but also by the rigour of the laws of trade, which threatened the debtor who fraudulently withdrew his pledge from the creditor even with death, and those who were tardy in repayment with imprisonment, while

[1] Hüllmann, *Handelsgesch.* p. 165 *seq.*

the creditor was allowed to take possession, not only of the property mortgaged, but also of the whole effects of the debtor.[1] Suits relative to commercial matters were so far privileged that a decision must be pronounced on them within the space of a month; they were heard only in the winter months, when traffic by sea was at a stand-still, in order that merchants might not be detained from the pursuit of their business.[2] These were favoured besides by a freedom from liability to military service,[3] which, though not indeed unconditional, was yet easily secured. But that the mercantile class, however much its utility was recognised, was especially honoured we are not permitted to believe. Our authorities, and in particular the speeches before the courts, show us that honesty and fair dealing were not too frequently found in it, and that few withstood the temptations which business brings with it. On account of their importance for commerce, and the circulation of money, the Trapezitæ must not be forgotten here. The term signifies the bankers who carried on money transactions on a large scale,[4] and not merely with their own money, but also with that of other people, receiving capitals for a moderate interest and lending them again at higher rates. Capitalists who were unwilling or unable to trouble themselves with the management of their money were glad to give it to a Trapezites in whose honesty they placed confidence, in return for a moderate rate of interest. The Trapezites could then carry on business for his own profit with the money intrusted to him, while the creditors had the advantage of being able to receive their money back at once whenever they wanted it. Payments that had to be made, too, were most conveniently effected by writing off the sum in the Trapezites' books from the property of its owner, and crediting it to the person to whom the payment had to be made; and while the greatest part of the circulation of money was conducted through the agency of Trapezitæ, and they were regarded as men of business on whose punctuality and care reliance could be placed, deposits also, whether of money or documents were given into their care, and business agreements were concluded in their presence and witnessed by them. We also hear, it is true, many complaints regarding the

[1] Cf. Böckh, *Pub. Ec. of Ath.* pp. 128-132.

[2] Dem. *in Apat.* p. 900, 3.

[3] See above, p. 424.

[4] Those who carried on the business of money-changing on a small scale were called ἀργυραμοιβοί or κολλυβισταί; cf. Pollux, vii. 170. On the Trapezitæ cf. Hüllm. *Handelsgesch.* p. 185 *seq.*; Böckh, *Pub. Ec. of Ath.* p. 126 *seq.*; Büchsenschütz, p. 500 *seq.*

dishonesty and greed of the Trapezitæ, but on the whole they were no worse than was involved in the nature of the business, a business essentially useful, or rather quite indispensable,[1] for the facilitation of the circulation of money. So far as can be discovered this business was carried on in Athens not by citizens, but only by resident aliens, though many of these who had obtained recognition and favour afterwards received the right of citizenship. It was also resident aliens for the most part who carried on retail trade in the market or elsewhere in booths and shops, paying for these a toll from which the citizens, if they engaged in the same trade, were free. The fact that retail trade ranked as a low and disreputable calling is sufficiently well known, and the ancients who looked upon it thus will perhaps be found to have been justified in so doing by their experience. We should not on that account charge them with injustice, but should be content with rejoicing that it is not so at the present time. That the calling is not only necessary and indispensable, but may also be pursued without dishonesty, the ancients knew as well as we do, otherwise a wise legislation would have altogether forbidden it to the citizens. But this the Athenian legislation did not do, but even provided a prosecution for libel against such persons as reproached a citizen, whether man or woman, with carrying on retail trade in the market.[2] Accordingly even citizen-women of the poorer class engaged in this calling,[3] which, though of course only in so far as they did not behave themselves dishonourably in it, was admitted to involve them in no discredit. In the market a special place, the women's market (*γυναικεία ἀγορά*), seems to have been set apart, where the female dealers stood with their wares.[4] Meanwhile, if retail trade was carried on by only a small number of citizens, the number of those who maintained themselves by handicrafts was all the greater. Socrates, as Xenophon relates,[5] gave encouragement to a young man who shrank from coming forward as a speaker in the popular assembly by reminding him how the assembly consisted mainly of uncultivated people of whose judgment he need not be afraid. "Before fullers," he says, "or before weavers, or

[1] An inscription dating from a later period (probably not till after Ol. 152), in *C. I.* no. 123, and Böckh, *Staatsh. Ath.* ii. 356, mentions a *δημοσία τράπεζα*, as to which it is not clear whether it is a national bank or a banking house with which the State, whether officially or through a contract, was connected financially, as is the opinion of Hermann on Becker's *Charicles*, ii. p. 157. Cf. also Büchsenschütz, p. 506.

[2] Dem. *in Eubul.* p. 1308.

[3] The mother of Euripides was a dealer in vegetables.

[4] Cf. Becker's *Charicles*, p. 287.

[5] *Memorabil.* iii. 7. 6.

carpenters, or smiths, or tradesmen, or those who buy on the market and then set to work to sell dear to the buyer what they have bought cheap, you will have no cause to be afraid. But it is of just such people that the popular assembly consists." Solon,[1] as we read in Plutarch, gave even artisans the honour due to them; that is to say, he did not exclude that class from participation in the most essential rights of citizenship, as was the case in oligarchic States. He preferred, on the contrary, that the poorer classes should be constrained to such a means of obtaining their living. For this reason he gave the Areopagus the function of discovering whence each man obtained his subsistence, and ordered that poor men who wandered about without a calling should be prosecuted for vagabondage. And in this sense Thucydides[2] makes Pericles say that in Athens not poverty, but rather the neglect to avoid it by work, was held disgraceful. Further than this, however, the honour due to the working class did not extend in the estimation even of the wisest political thinkers of antiquity. Handicraft—this was their general judgment—injures the body no less than the intellectual and moral excellence of the man, and petty anxiety about gain does not harmonise with a cultured disposition such as is required for a citizen in the proper sense of the word, for consultation about the most important affairs of the commonwealth, for an intelligent and disinterested tenure of the public offices. And we may support them in this view without fear of being reproached with an oligarchical depreciation of a class of persons which is both useful and, in its own way, thoroughly deserving of honour. But after payment was introduced, the crowded working population of the city and of the Piræus was found in the greatest numbers in the governing assemblies of Athens, whilst the landowners dwelling in the country and in the Demes attended them more scantily, so that it is no wonder if the resolutions of such assemblies betray very frequently a noteworthy lack of insight and patriotism, of sense of and feeling for the true dignity and honour of the State, and correspondingly more frequent instances of short-sightedness, fickleness, and indifference. We need only follow the history of Demosthenes and his life as a statesman to convince ourselves how the case stood at that time with this sovereign assembly of the people. For the most part he preached to deaf ears, or, if he was now and then listened to, yet the execution of his counsel was deprived of its value by half measures and by insufficient provision. And only at last, when

[1] Plut. *Sol.* c. 22. [2] Thuc. ii. 40.

the danger was so near and so pressing that none could any longer shut their eyes against it, did he succeed in awakening the people to a manly resolution, to the decisive struggle for freedom and for honour.

12.—The later history of Athens until the Roman Dominion.

The struggle upon which the Athenians resolved at the call of Demosthenes ended unfavourably indeed, but at least spared the State which had once been the first in power and honour the reproach of having given way pusillanimously and without resistance before its more powerful foe. Demosthenes[1] was enabled to say that even if it had been possible to predict the unfavourable result the Athenians could not have scrupled to follow his advice, for they had done what was befitting to noble men, while the result had been imposed upon them by fate. However, the results of their overthrow at Chæronea, thanks to the prudent moderation of the victor, were not so bad as they might have been. Philip proved himself less hostile towards the Athenians than towards their allies in the contest, his former friends, the Thebans; he granted them the possession of Oropus, which had often been a subject of dispute between them and the Thebans, and left them also the island of Samos,[2] which was occupied by Attic cleruchs: only a scanty remnant, it is true, of that maritime dominion which had once extended so widely. Inside the State nothing was altered; the forms of the government and administration remained as they had been. In return for this, however, the Athenians were obliged to join the alliance of the remaining States of Greece, under the hegemony of Philip, for the intended war against Persia, and to pledge themselves to furnish their contingent in ships and men. When after the death of Philip many thought that the favourable moment had arrived for throwing off the Macedonian yoke, Demosthenes encouraged the Athenians, in common with the Thebans, to venture on the struggle, as they had done a few years before at Chæronea; but Thebes was reduced before the Athenian army destined for its aid had begun to move, and the Athenians had to fear the vengeance of Alexander. He, however, contented himself with having thrown them into a panic, and apart from this made no change in their circumstances. He did not even insist on the

---

[1] *De Cor.* p. 294.

[2] *Antiq. jur. Publ. Gr.* p. 355. 2. For what follows also, I may for the most part merely refer to the proofs there cited at greater length.

surrender of the public men hostile to him, Demosthenes, Lycurgus, and others. He perceived, no doubt, that in the existing disposition of Athens these men could not become dangerous to him, since not only demagogues like Demades, who thought only of his own personal interest, but also men of honour like Phocion, who believed that neither the material resources nor the moral strength of the people were any longer sufficient for a struggle for freedom, seemed to afford security for the maintenance of peace. Moreover, Athens remained quiet as long as Alexander lived. After his death, Demosthenes, and men similarly disposed, once again awakened the memories of earlier times, and the Athenians undertook the contest against Antipater with all the more hope, since they had succeeded in moving at least a large part of the remaining Greeks to the revolt against the Macedonians. The first results too were favourable; but when the Macedonians conquered in the decisive battle of Crannon in Thessaly, the allies lost courage and sued for peace, and Athens accordingly found herself compelled to do likewise. Antipater granted peace only upon severe conditions: surrender of the orators who had set the war on foot,—among them Demosthenes, who, after making his escape, withdrew himself from the power of the conqueror by poison at Calauria,—acceptance of a Macedonian garrison in Munychia, payment of a considerable sum of money, and the transformation of the democracy that had hitherto existed into a timocratic constitution, under which a qualification of at least twenty minæ was the condition of full citizenship. Only nine thousand were found who possessed as much; the remainder, about twelve thousand, were offered emigration to Thrace, where land was to be assigned them, and many availed themselves of the offer. The constitution thus altered remained in existence as long as Antipater stood at the head of the Macedonian kingdom. After his death, when a contest for the sovereignty arose between his son Cassander and Polysperchon, the guardian of the imbecile king Philip Arrhidæus, and the latter, in order to strengthen his party, promised the Greek states freedom, and granted to all exiles the privilege of return, unbridled democracy again for a time raised its head. It was, however, soon suppressed once more by Cassander, and timocracy again instituted, with the minimum qualification fixed at a thousand drachmæ, by which we are probably to understand not the whole property, but only the τίμημα—the taxable capital, or the income.[1] At the head

[1] Cf. Th. Bergk, *Jahrb. f. Philol. u. Pädagog.* vol. lxv. part 4, p. 368.

of the State was placed Demetrius of Phalerum, probably with the title of Epimeletes or Epistates, with the most extensive legislative and executive power, but naturally with responsibility to the Macedonian potentate, who kept the people in subjection by means of the garrison in Munychia. Demetrius has been judged by the ancients very variously, according as they regard principally the early days of his administration and the ordinances devised by him, or his later conduct. What has been handed down to us of his ordinances shows unmistakably that he intended to introduce observance of the laws, order, and good conduct into public and private life. He is termed the third lawgiver of Athens,[1] Draco and Solon being the other two, because his activity as a lawgiver was in fact not inconsiderable. We remark in particular the institution of the Nomophylaces, an authority like that which had been provided as early as the age of Pericles, after the Areopagus had lost its right of supervision, to guard against unconstitutional proceedings in the Council and in the Assembly, but which soon had again become obsolete. Such an authority might even at this time, although the masses had been shut out from the government by the qualification now requisite of a thousand drachmæ, seem not to be superfluous; and it was certainly more desirable to compose it of a few persons than in any way to commit afresh to the Areopagus the duty of dealing with the laws, which had been intrusted to it after the fall of the Thirty, for experience might have shown that this body was no longer properly adapted for the purpose. Further particulars with regard to the Nomophylaces of Demetrius, their number, the mode of their appointment, and the extension of their privileges, are not afforded us; all that we can assume with certainty is, that their supervision extended, not only to the proceedings in the Council and in the public Assembly, but also to the mode in which the magistrates performed their functions. Against irregularities in private life Demetrius instituted sumptuary laws, and appointed the Board of Gynæconomi to deal with them.[2] This body, as the name itself indicates, had primarily to exercise supervision over the life and conduct of the women, but had also to see, in conjunction with the Areopagus, in the case of entertain-

[1] In Georg. Syncell. *Chronogr.* g. 273. 63. Proof of an *ἀναγραφὴ νόμων* (though not till after Demetrius's fall) is given by an inscription. See Meier, *Comm. Epigr.* no. 2; Rangabé, ii. p. 103; Bergk, *Zeitschr. fur die Alterthumswiss.* (1853), p. 273.

[2] Cf. Böckh, *üb. d. Plan des Atthis von Philochorus*, p. 23 *seq.*

ments, wedding-banquets, and the like, that the number of the guests and the expense in other respects did not overstep the legal limit. Besides this, a law which put the schools of the Sophists under the supervision of the State, and prescribed that the opening of such schools should only be permitted after the consent of the Council and the people had been obtained, probably belongs to the first years of the administration of Demetrius.[1] In all these ordinances we see the same tendency to aid the public discipline and morality, and if the censure is passed on Demetrius that he only introduced a dead mechanism instead of a living political life such as had formerly existed, this censure seems to presuppose that he could have done more, and that he was in a position to transform the State. It is fairer to say that Demetrius did all that he could do. In reference to material prosperity, again, Athens must have been tolerably prosperous under him. The population amounted in the eighth year of his administration, B.C. 309, Ol. 117. 4, to 21,000 citizens, 10,000 resident aliens, and 400,000 slaves, which indicates a total number of about 550,000 souls; the revenues of the State rose to the sum of 1200 talents, and it is asserted that he applied large sums to the foundation of useful institutions. But unfortunately he did not remain true to himself. The power he had in his hands, the flatterers who crowded round him, the temptations to vices such as were then the order of the day, corrupted him, and proved that with all his theoretical culture he nevertheless lacked true moral strength and solidity of character. The frugal scholar of earlier life was transformed into a riotous prodigal, who shamelessly transgressed the laws he himself had made, and who, instead of applying the revenues of the State for the common good, squandered them for the most part on his lusts, and therefore at the last drew upon himself the displeasure of the community in a degree proportionate to the extravagant honours that had before been rendered to him. His administration lasted ten years, and the constitution of the State during that period is sometimes termed a tyranny, because a single person, supported only by the Macedonian power, was at the head of the State, sometimes a democracy, because the forms of the State were those of a popular government, even though this was tempered in the direction of timocracy, sometimes, finally, an oligarchy, because, in spite of these democratic forms, naturally only that small number reached office and influence who were in favour with the ruler. He himself too once filled the office of Archon,

[1] Cf. Schmidt, *de Theophr. rhet.* (Halle, 1839), pp. 9, 10.

Ol. 117. 4, the second year before his fall, long after he had undergone this transformation for the worse; hence his year of office was afterwards called the year of Anomia, or lawlessness. He was, however, overthrown in consequence of the war undertaken by Antigonus against Cassander, B.C. 307, when the son of Antigonus, Demetrius Poliorcetes, took possession of the Piræus with his fleet, and invested Munychia, which was held by the Macedonians. The Phalerean capitulated, and was allowed free withdrawal. Munychia was stormed, and Poliorcetes marched as a conqueror into the city. It received him as its liberator, as he had announced himself, with the most extravagant rejoicing, and the citizens vied with one another in demonstrations in his honour and flatteries which it is repulsive to relate in detail. I will content myself with mentioning only two provisions which found favour at that time, because they have some connection with the constitution. In the first place, the number of the Phylæ that had hitherto existed was increased by two, so that henceforward there were twelve: the two new ones were named Antigonis and Demetrias, after the liberator and his father, and were granted precedence over the ten old Phylæ. With this was naturally connected a new division of the Demes, whose number at that time without doubt considerably exceeded the original normal number of ten in each Phyle; as also an increase of the Council from 500 to 600, the institution of twelve monthly Prytanies instead of the earlier number of ten with a duration of thirty-five or thirty-six days each, and finally, in all probability, an increase of several official boards to correspond with the increased number of the Phylæ. The second arrangement devised in honour of the liberators is the institution of divine honours to them as "saving gods," and the nomination of a priest of these gods, to be elected annually by Cheirotonia; though this provision, it must be admitted, was abolished after a few years, when the disposition of the Athenians had turned against Demetrius.[1]

Demetrius was soon compelled by the events of the war to quit Athens: his adversary, Cassander, advanced with his army into Greece as far as Attica, and laid siege to the city, which, however, maintained itself until Demetrius returning (in the year 302) compelled Cassander to retire. Still more basely than before did the Athenians now vie with one another in

[1] The statement of Plutarch, *Dem.* c. 10, that the priest of the Soteres took the place of the first Archon, and therefore also became the Eponymus of the year, rests on an error, as has been convincingly proved by Kirchoff, *Hermes*. ii. pp. 161-173.

the most unmeasured and most debased flatteries towards their liberator, so that it ought not to cause astonishment if the latter felt that before such men everything that was possible to him was also permissible, and following his sensual nature unchecked gave himself up to every kind of excess with a recklessness that at last of necessity estranged from him the disposition of those very men who had as it were intoxicated him with their flatteries. When afterwards the war summoned him to Asia to join Antigonus, and both here suffered the heavy defeat of Ipsus, the Athenians renounced him, and declared, when he was drawing near their coasts with his fleet, that they had resolved henceforward to receive none of the kings. If, however, they flattered themselves with the hope of being now really in a position to maintain their freedom, they very soon found themselves undeceived; and while they owed it only to the alternations of the fortune of war between the kings that they did not for some years become the prey of any of them, they fell under the dominion of one of their own fellow-citizens, a certain Lachares, who—by what means is uncertain, but probably not without Macedonian support—raised himself to the tyranny. He is counted among the worst of those whose memory has been branded by history. His tyrannies made the Athenians more inclined to turn to Demetrius, when the latter again drew near with a fleet and a land army. The Piræus gave itself up to him without a struggle; in the city Lachares offered an obstinate resistance, but was at last compelled to seek safety in flight, and the people opened their gates to Demetrius. He showed himself more magnanimous than had been expected. He contented himself with placing a garrison in the Piræus and Munychia, and afterwards also in the Museum, a hill inside the city itself, in order to secure himself against its future defection. Further than this, however, he exercised no severity and imposed no punishment; he allowed the constitution to remain as it was, filled the public offices with persons who were most welcome to the people, and finally, since great need was felt of the means of subsistence, made the State a present of 100,000 medimni of wheat. In this dependence on its mildly-disposed ruler Athens remained a number of years, until Demetrius, who had been raised by his changeful destiny to the throne of Macedonia, was deprived of it by Pyrrhus the Epirote. This gave the Athenians courage to rise against him; the garrisons of the Museum, of the Piræus and Munychia, were compelled to capitulate, and the people once more rejoiced in a precarious freedom, such as was alone possible in the circumstances of the

time. Of the internal affairs of the State in this period there is little to report. We only hear that Democharés, a son of the sister of Demosthenes, was the most eminent among the statesmen of the time, and proved himself not unworthy of his great uncle. In the following years, however, the Athenians found themselves again compelled by Antigonus, the son of Demetrius, to receive a garrison in the Museum. Salamis, too, as well as Munychia and Piræus, was occupied by the troops of Antigonus, and it may be their commanders whom we find named as tyrants of these places—Hierocles, Glaucus, Lycinus. The garrison of Munychia was afterwards withdrawn (B.C. 255); but how dependent on the Macedonian king Athens felt herself to be is sufficiently proved by the fact that she not only did not support the attempts of Aratus against the Macedonians, but actually, on the false report that Aratus had fallen, instituted a festival, and decked the city with garlands. Not till after the death of Demetrius II. (in the year 229), leaving one successor not yet of age, did they consider the situation sufficiently favourable to undertake the attempt at liberation. For this purpose they applied to Aratus, who actually succeeded in causing the withdrawal of the commander of the Macedonian garrison, who probably did not feel himself strong enough to decide the matter by a contest, and who was probably also corrupted by a bribe. From this time Athens maintained her freedom, so far as a Greek State could then be free, and sought to keep this freedom by a strict neutrality, entering neither the Achæan nor the Ætolian league, and guarding against a fresh subjugation by the Macedonians by putting itself under the protecting friendship of the Egyptian kings. At that time, also, the names of the two new Phylæ instituted under Demetrius Poliorcetes, which had until then been retained, were exchanged for others. The tribe Demetrias received the name of Ptolemaïs, after Ptolemy Philadelphus, about the year 266; the tribe Antigonis was henceforward called the new Erechtheïs until the year 200, when it received the name of Attalis in honour of Attalus king of Pergamus,[1] when this sovereign, the ally of the Romans against Philip king of Macedonia, came to Athens in person. Henceforward the Athenians held faithfully to Rome, and this was, in fact, the best course they could take. They apprehended the fact that the time of political importance was over for them as for the rest of Greece; and instead of

[1] To go deeper into the question of the change in the names of the Phylæ, obscure as it is, and dealt with by various inquirers in various ways, is quite impracticable in this place. I may content myself with a reference to Dittenberger, *Hermes*, ii. p. 287 *seq.*

wishing any longer to play a part of their own, like the Achæans or Ætolians, they contented themselves with the profitable administration of their internal affairs, in which the Romans were not a hindrance to them, but rather a help. The inclination for Greek science and art then awakening at Rome caused the sympathies of all cultivated Romans to incline by preference to Athens, where all this science and art had either arisen or reached its prime, and where it was still cultivated in the only manner possible in this period of its existence, a period fitted no longer to produce, but only to maintain and enjoy. Athens for a long time remained the school where the youth of the Roman world sought its education in philosophy and rhetoric, and the city did everything to maintain itself as a proper seat of study, and as a suitable place for the assemblage of a numerous body of young students. But with this its importance is completely exhausted, and a detailed consideration of its constitution and administration would no longer awake any general interest, even were it possible to give more than separate and scattered notices upon the subject.

APPENDIX.

Page 89.—A critic has charged me with judging the circumstances of Greece too much from the stand-point of the modern State, but has immediately afterwards censured me for following Plato and Aristotle in estimating the Greek constitutions by the standard of the ideal State. In so doing he seems to me to retract his first charge; for it cannot surely be his opinion that the standard of the ideal State and the stand-point of the modern State essentially coincide. It seems to me that the charge of "modern stand-point" here, as on many other occasions, is merely a cheap and facile phrase, of which critics avail themselves when, in default of better grounds, they wish nevertheless to give themselves the appearance of superior knowledge.

Page 223.—According to a conjecture put forward by H. Peter (*N. Rhein. Mus.* xxii. (1867) p. 65), the pretended Rhetra, *μὴ χρῆσθαι νόμοις ἐγγράφοις*, owes its origin solely to the error of a copyist, while the real ordinance was the exact opposite; *μὴ χρῆσθαι νόμοις ἀγράφοις*. This ordinance he supposes to have been made at a time when an opposition was raised against the purely oral delivery of the law, which, being in the hands of a powerful minority, was dealt with by that minority at its own pleasure, so that the demand was made that a check should be imposed on this arbitrary treatment by written statement of the law. The possibility of such an opposition is at any rate quite conceivable; but it is very difficult to believe that Plutarch, or the author whom he followed, knew nothing of it; for had he done so, the discovery of the error of the copyist could not possibly have escaped him. Apart from this, when Plutarch in this passage (c. 13) and elsewhere (*Ages.* c. 26, *de esu carn.* ii. 2) speaks of *τὰς καλουμένας τρεῖς ῥήτρας*, it is impossible to believe that only three Rhetræ of Lycurgus were known at all; it must, on the contrary, be assumed that the mention has reference to some well-known written treatise in which three Rhetræ were dealt with.

Page 225.—The descent of both the royal houses of Sparta from Heracles was considered among both the Spartans themselves and all the remaining Greeks, so far as we can learn, as completely beyond doubt; and equally little doubt is felt, that the ancestor of this Heraclide race is Hyllus son of Heracles, after whom one of the three Doric Phylæ bore the name Ὑλλεῖς, and who, according to the myth, was adopted as a son by the Doric king Ægimius. The meaning of this myth can only be that once upon a time a clan bearing this name, and whose leader boasted Heraclide descent, united with the Dorians; and when the later leaders of the Dorians came to be collectively regarded as Heraclidæ it can only have been meant that they all belonged to this clan of Hylleis, which had united with the Dorians of Ægimius and chieftains of which were regarded as Heraclidæ, and that accordingly this clan had taken its place at the head of the Dorians. It cannot indeed be stated how this happened; what is said of the death of the two sons of Ægimius is palpably worthless (Apollod. ii. 8. 3, 5); but

such an exaltation of the immigrant Hylleis above the old Dorians and intermixture of the two races, by no means deserves to be termed incredible, especially if no essential differences of race existed between the two. But the precise truth with regard to the Heraclide character of the Hyllean leader cannot be discovered with certainty. This much only can be assumed without question, that they were regarded as descendants of an ancient hero, to whom the name Heracles was transferred, and who was then held to be identical with the famous hero of mythology, the son of Zeus and Alcmene. However inexcusable we may find this confusion of two mythical personages who were certainly distinct originally, it is none the less certain that it actually took place; and it is equally certain that the Spartans regarded their kings, and these kings regarded themselves, as successors of the famous Heracles, who, by his human descent, belonged to the Achæan stock. In this sense earlier inquirers also have interpreted the answer of the king Cleomenes quoted in the text (p. 208, note 1); it being assumed by them that he called himself an Achæan as a descendant of the Achæan Heracles. But the criticism of more recent times has interpreted this answer differently, and ascribed to Cleomenes an insight into the true state of the case, which, though in contradiction to the general belief of antiquity, is nevertheless, we are told, correct; and this true view, it is thought, has now been regained. That is to say, the account of the Doric conquest, and of the condition of things brought about thereby in Laconia, which, following the ancient accounts, we have given in the text (pp. 192, 193), is rejected as untrustworthy, and another put forward, the substance of which is as follows: At the time of the Dorian immigration, and therefore possibly in consequence of it, the race of the Pelopidæ which had previously ruled over Laconia was overthrown, and the vassals who had been dependent on it became, not vassals of the Dorian princes, but independent rulers; but they concluded treaties with the immigrant Dorians, granted them possession of land, and received from them in return recognition of their sovereign rights, as well as actual support. But (the account proceeds) these princes were by no means at union among themselves; on the contrary, manifold quarrels broke out among them, until at last two of them succeeded in raising themselves above the rest. These two then effected a peaceable union with one another, in consequence of which they collected the Dorians out of their previous dispersion, and organised them afresh as a military colony, with a new organisation, a new division, and a new assignation of land. Thus it came to pass that henceforward two royal houses stood at the head of the united State, who both of them were neither of Dorian, nor of Hyllean or Heraclide descent, but were descended from the old Achæan royal families which had borne rule in Laconia before the Dorian migration. That such a course of events is easily to be conceived as possible no one will deny; the only doubtful question is whether the view which has hitherto been accepted, and is founded on the statements of the ancients, is not equally possible, and whether we are compelled, by really overpowering reasons, to prefer the former view. It is true that in dealing with the history of Greece, especially in such early times, we are very often tempted or compelled, when engaged upon the fragmentary or incredible traditional account, to have recourse sometimes to scepticism and sometimes to combination, and to fill up the gaps by conjectures; and it is also true that a historical account which aims at giving a vivid and attractive picture cannot avoid calling some invention to its aid. But whether the invention is required in the case before us I should prefer to permit myself to doubt.

Somewhat less removed from the traditional account is the view of another acute and thorough inquirer, who admits that at least one of the two royal

families, the Eurypontidæ, may be regarded as a Heraclide family which had come into the country with the conquering Dorians, and maintains only that the other, the Agidæ, is to be regarded as a pre-Dorian family which ruled in the country before the Doric conquest, and united itself, at a later date, with the former in a conjoint dominion. The principal support of this view is found in a passage of Polyænus (i. 10), which hitherto had been somewhat overlooked. In this passage mention is made of a war of the Heraclide Procles and Temenus against the Eurysthidæ, who possessed Sparta. That by the Eurysthidæ can only be meant the Eurysthenidæ it will hardly be possible to deny. Accordingly, it must also be assumed that a Eurysthenide royal family—that is to say, the family which, according to tradition, bears the name, not of Eurysthenidæ, but of Agidæ—already ruled in Sparta at the time of the Dorian migration, and that a war took place between it and the Dorians. It is said that this can of course only be regarded as an old Achæan house; and that hence it may be explained how the king Cleomenes, who belonged to it, called himself an Achæan. The assumption hitherto made, that he alluded to his descent from the Achæan hero, is, according to this view, rendered improbable from the mere fact that the Hylleis, who traced their descent from Hyllus, the son of Heracles, were a Dorian tribe; a fact testified to both by Pindar (who calls the Dorians ἀλκαέντας Ἡρακλέος ἐκγόνους Αἰγιμίου) and by Tyrtæus, who addresses the Spartans collectively as Ἡρακλῆος γένος. For (it is said) it is clear from this that at the time of Tyrtæus the Heraclide rulers were not distinguished from the Dorian populace, but that, on the contrary, they also were ranked among the Dorian race, and accordingly Cleomenes, when he maintained that he was no Dorian, but an Achæan, could only be thinking of the house of Agis as descended, not from the Heraclidæ, but from the old Achæans.

We see accordingly that here also Cleomenes is credited with a conception, or perception, of the descent of his house, contradicting that which demonstrably found general acceptance in other quarters. Even Dorieus, the brother of Cleomenes, must have adopted this generally accepted view, and therefore have felt no doubt as to his Heraclide descent, when (Herod. v. 43) he rested his claims to a possession in Sicily upon it; and in like manner the Delphic oracle not only gave him an encouraging answer, but also, at a later date, expressly designated a king, Pleistoanax, sprung from this very house of the Agidæ or Eurysthenidæ, as Διὸς υἱοῦ ἡμιθέου σπέρμα (Thuc. v. 16). Accordingly, the view ascribed to Cleomenes, and which, it is now said, is the more correct of the two, may certainly admit of some doubt. The passage quoted from Pindar again I cannot admit as evidence for this conception, or perception, of Cleomenes; rather may it pass as a proof that he also distinguished the Heraclidæ from the descendants of Ægimius, and therefore wished to designate them as non-Dorians; in the same way as elsewhere (Pyth. i. 62) he distinguishes Ἀμφύλου καὶ μὰν Ἡρακλειδᾶν ἔκγονοι. And the fact that Tyrtæus, while encouraging the Spartans to bravery, calls them Ἡρακλῆος γένος, by no means implies that he counted them all as belonging to one and the same race, and accordingly recognised no difference between those Spartans who were Heraclidæ and those who were not Heraclidæ, but Dorians; it implies merely that he terms the Spartans a race belonging to Heracles, because their princes were of Heraclide blood; and this he may do, as a poet, with the same right as (for instance) Œdipus in Sophocles addresses the Thebans as Κάδμου τοῦ πάλαι νέα τροφή, or, as in Æschylus, the Theban army is called στρατὸς Καδμογενής, and in numerous instances the Athenians are called Erechthidæ or Thesidæ.

With regard to the passage of Polyænus, the principal support of the new

view, I will, in the first place, only mention how earlier inquirers have treated it. Manso (*Sparta*, i. 2, p. 169) is of opinion that it is self-evident that Ὀρεστίδαις, not Εὐρυσθείδαις, should be read; Clinton (*Fasti Hellenici*, i. 333) refers to the constant disputes which, according to Herod. vi. 52, took place between the two brothers Eurysthenes and Procles, and accordingly thinks the event mentioned by Polyænus happened in one of these disputes, in which Temenus supported Procles against Eurysthenes. Finally, K. O. Müller only mentions the passage cursorily in a note (*Dorians*, Eng. tr. i. 65), with the words: "Polyænus, i. 10, is alone in mentioning Eurysthidæ in Sparta at the time of the immigration." In saying this, Müller, without doubt, understood by the Eurysthidæ descendants of the Perside ruler of Mycenæ, to whom Laconia also had once been subject. I for my part will content myself with remarking that Polyænus, one of the dullest and most bungling of compilers, is scarcely wronged by being credited with any misunderstanding or confusion whatever; particularly in an account like that in question, where he is merely concerned with noticing whence it had come to pass that the Spartans, when advancing to battle, made use of flute-playing. At least we ought not to be denied the liberty of preferring to credit the compiler with any kind of stupidity, rather than to believe that some special piece of good fortune gave him, of all persons, access to a source of information containing an account of the situation at the conquest of Laconia, which, though disagreeing with all other accounts, is the only correct one.

But very possibly there is still another indication of an account contradicting the traditional view. The Chronicon of Eusebius names a king Eurystheus in Laconia even before the Heraclide immigration, and then, several years afterwards, states that Sparta was occupied by Eurysthenes and Procles. But whether this indication is to be regarded as deserving of confidence may well be doubted. It is, however, also possible that we have here only an uncritical combination of different chronological statements regarding the beginning of the history of Laconia, and the advance of the Heraclidæ; and if I have not yet determined to consider that the view invariably prevalent otherwise is decidedly to be rejected for the sake of the Chronicon of Eusebius, or the passage in Polyænus, I hope at least not to be too severely censured for my hesitation.

But the fact that the two kingly families were called, not after the twin brothers of the tradition, Eurysthenes and Procles, the sons of the Heraclide Aristodemus, but after Agis and Eurypon, can hardly be cited as a proof that even in antiquity their Heraclide descent was not regarded as free from doubt. The reason of this probably was that the lists of the kings, which were believed, or at any rate accepted, did not reach further back than Agis and Eurypon, whose reign fell in the beginning of the eleventh century, while between them and the first kings, Eurysthenes and Procles, there was a gap of greater or less extent, according as the Heraclide immigration is put earlier or later. For that on this point the chronologists were of very different views is well known.

Page 233, *note* 5.—Whether the passage of Herodotus, rightly understood, is entirely different from the statement censured by Thucydides as erroneous, as is maintained by some, and among them, by Curtius, *Gr. Gesch.* i. p. 636, n. 31, 4th ed., may here with propriety be left undiscussed. But when Curtius (i. 195) puts forward the conjecture that it never happened that only one of the two kings sat in the Gerousia, but that both were always present or absent, his view seems to me very improbable. It would follow from this that whenever one of the kings was absent as leader of the army, during the whole time of his absence, which might frequently be of con-

siderable duration, the other was excluded from participation in the sittings of the Gerousia.

Page 271.—That an initial digamma in the root to which I refer φιδίτια or φεδίτια—for φεδίτια is supported by ἀφέδιτός in Hesychius—cannot be supported by express proofs from any other source, I am perfectly well aware; but yet I regard it as by no means an over-bold and therefore entirely inadmissible conjecture, that in this or that local dialect words from this root may have been digammated. The root ἐδ (ἔδω, ἔσδω, ἐσθίω), from which others derive φεδίτια—a derivation which Hermann regards as established (*Staatsalt.* § 28. 1)—elsewhere shows (according to Curtius, *Etymol.* II. 206, Eng. Tr.) no traces of the initial labial. If, however, according to *Etymol. Magn.* p. 195. 53, the inhabitants of Hermione called a statue (ἄγαλμα) also βεῦδος, it will scarcely be possible to avoid recognising in this word (following Welcker, *Syllog. Epigr.* p. 3, and Müller, *Dorians*, ii. p. 500) ἔδος with the digamma; and how the "φειδώλιον, δίφρος" of Hesychius admits of a better explanation than that which regards it as a corruption of Fεδώλιον or Fιδώλιον, similar to that of φειδίτια, from Fεδίτια or Fιδίτια, I should be very glad to learn. A reviewer—probably a youthful one—of my book in Zarncke's *Litterarische Centralblatt*, has been led by the easily comprehensible distortion φειδίτια, for φιδίτια, to the mistaken conclusion that the first syllable in φιδίτια must of necessity have been long. That it is not so, he might have learnt earlier no doubt; but he may now learn it from Cobet. *Nov. Lect.* p. 728. Apart from this, forms like βάγος for ἄγος, βορθαγόρας for ὀρθαγόρας, Fέξ for ἕξ, may serve as examples that popular language in various places sounded a Vau in words which elsewhere show no trace of it. In Hesychius we also find σφέζομαι with the explanation ἐπικαθέζομαι. It is possible that it is nothing but ἕζομαι, in which case ἕζομαι and σφέζομαι would be related in the same manner as ἕ is to σφι, ἔκυρος to *svacura*, ἡδύς to *svada*, ἴδρως to *svit*, ὕπνο to *svapna*, ἕξ to σφέξ; on which cf. Stier, *Kl. Zeit.* x. p. 238. That honoured master in comparative philology, A. Pott, regards it as probable that φίδιτιον arose from ἐφιδίτιον. I should prefer to conjecture that he was led to this assumption solely by dislike to this misuse of the digamma, and that he also, on his part, might be charged with a misuse of the Aphæresis; cf. Curtius, *Etym.* p. 37.

Against the free choice of the members of a mess, H. Peter (*N. Rhein. Museum*, xxii. p. 65) has objected that it may thus have been the case that an individual was chosen by no mess, and so was prevented from complying with the law, which made participation in the Syssitia the duty of every citizen. This opinion is probably groundless. Any one who had made himself so generally hated or contemptible that all the messes refused him admission, had no doubt brought this exclusion on himself by offences which also made him liable to punishment in other respects, and excluded him from the number of the Ὅμοιοι, and therefore assigned him a place among the Ὑπομείονες. This opinion has also been rejected as unfounded by Curtius (*Gr. Gesch.* I., note 37 to Book II.).

Page 281.—Metropulos, *Untersuchungen über die Schlacht bei Mantinea* (Göttingen, 1858), has inferred from Thuc. v. 66. 3, where the Polemarchs appear as the superior officers of the Lochagi, the existence of a larger division of the army under the command of a Polemarch, and of which the Lochi were subdivisions; and this division he thinks was no other than the Mora. "When Polemarchs are spoken of," he says, "so also are Moræ, and conversely." He may very likely be right; and the correspondence in number between the Moræ and the Polemarchs also is evidence in his favour.

Page 291, *note* 3.—Mention may here be made of a bronze tablet found at Tegea, probably belonging to the first half of the fifth century B.C., which has been treated with great learning by Kirchhoff (*Monatsbericht d. Berl. Akad. d. Wiss.*, Jan. 1870, p. 51). The inscription on the tablet has reference to a sum of money deposited at Tegea, in the temple of Athene Alea, and the person depositing it is, to all appearance, not a Tegeate, but very probably a Spartan. Plutarch, *Lysand.* c. 18, states, on the authority of an inhabitant of Delphi, that Lysander had in the temple at Delphi a deposit of one talent and fifty-two minæ, and eleven staters in addition.

Page 295.—Suidas, *sub voc.* Δικαίαρχος: οὗτος ἔγραψε τὴν πολίτειαν Σπαρτιατῶν. καὶ νόμος ἐτέθη ἐν Λακεδαίμονι καθ' ἕκαστον ἔτος ἀναγινώσκεσθαι τὸν λόγον εἰς τὸ τῶν ἐφόρων ἀρχεῖον, τοὺς δὲ τὴν ἡβητικὴν ἔχοντας ἡλικίαν ἀκροᾶσθαι, καὶ τοῦτο ἐκράτησε μέχρι πολλοῦ. Elsewhere, so far as I know, there is no trace of such an ordinance; it may not, however, deserve to be regarded as quite incredible, although the time in which it may have been devised cannot be ascertained. It might be compared with the ordinance known only from the testimony of Cicero, *Orat.* c. 44, 151, as having existed at Athens, where the funeral oration contained in the Platonic Menexenus was publicly read at the annual celebration of the Epitaphia.

Page 313.—That Autochthonia could rationally be understood only in the sense stated, and that therefore it is very possible in Greece for populations sprung from entirely different races to regard themselves as Autochthones, is so extremely obvious that it is unnecessary to waste a word upon it. And yet a meddlesome critic has brought forward as a main argument against the Ionic descent of the old Athenians, who are regarded as autochthones, that the Arcadians, though they were demonstrably not Ionians, called themselves autochthones; whence it is supposed to follow that the old Athenians, because they were autochthones, could not have been Ionians. From the name Pelasgi, again, one writer has attempted to draw evidence against the Ionian descent of the old Athenians. Probably this person must imagine himself to have more knowledge with regard to the worth of this name and its historical significance than the rest of us are permitted to possess.

But as regards the slightness of the incompatibility of the Ionian character of the old Athenians with their traditional autochthonia, I permit myself to add some further considerations. A main argument of those who consider that the old Athenians did not become Ionians until a later period consists in the fact that according to the testimony of the ancients themselves, these same Athenians did not bear the name of Ionians from time immemorial, but assumed it at a later period; whence the conclusion has been drawn that a people of this name once forced their way into Attica, and gained such a preponderance over the earlier inhabitants, that these lost their ancient nationality and were themselves changed into Ionians. Some believed that they could recognise the immigrants through whom this transformation was effected, in the horde which at some time came into Attica under the leadership of Xuthus, especially when they found that the traditional eponymus of the Ionian stock was called a son of Xuthus. My own view as to how this story is to be interpreted, and what judgment is to be passed with regard to this traditional Eponymus, I have stated both more briefly in the text (p. 314 *sq.*) and in greater detail in the treatise, *de Ionibus*, also quoted there; and I do not believe that at present any one is still inclined to imagine an Ionisation of the inhabitants of Attica by Xuthus. On the other hand, however, many inquirers are disposed to

ascribe this Ionisation to Ægeus or Theseus, *i.e.* to the immigration personified under these two names. These immigrations, according to the tradition, must have been effected partly from the islands of the Ægean Sea, especially from Scyros, a principal seat of the cult of Poseidon, whence Ægeus is said to have come, and partly also from Argolis, especially from Trœzene, whence Theseus came, who was said to be the son of Ægeus, but who was in fact a son of Poseidon, though on the human side he belonged, through his mother, Æthra, to the race of the Pelopidæ (Eur. *Heracl.* 207). That the immigrants exercised the most important influence upon the state of affairs in Attica, and that for a time even a new royal house obtained the sovereignty in the place of the old native Erechthidæ, is not to be doubted. It is true they are not called by the ancients Ionians; but, despite this, nothing is in itself more probable than that they belonged to this very stock, which in the historical period is opposed under this name to the other two principal stocks, and, so far as can be ascertained, was settled in the remotest antiquity upon the coasts of Asia Minor and the islands of the Ægean Sea, and whose presence even in Argolis may perhaps be indicated by the title Ἴασον Ἄργος, a title which, the ancients tell us, denoted the Peloponnesus. This latter name is known to be derived from Pelops, an immigrant from Asia Minor; and if the Ionian stock was principally settled in Asia Minor, we may also regard Pelops as belonging to it, and consequently Theseus, as the offspring of the Pelopid woman Æthra, would also claim the title of Ionian. But however this may be, any one who declares Theseus and Ægeus to be Ionians can only mean thereby that these did not belong to either of the races which are contrasted with the Ionian, viz., the Æolian and the Dorian. Now, as regards the name Ionians, it is generally known that the Eastern nations used this in a very indeterminate and extensive signification, and applied it, as a collective name, to different nationalities without further distinction; and it is, in all probability, certain that it is not of Greek, but of Oriental origin. If among the Greeks it became a distinguishing name of one of their principal stocks, we obtain the most natural explanation of the fact by the assumption, that the Greeks who dwelt close to the Eastern peoples on the coasts of Asia Minor, having received the name from these latter,[1] may themselves have appropriated it. But that Greeks dwelt there from time immemorial, and at least long before Neleus and Androcles, is probably now generally acknowledged. It is likewise beyond doubt that European Greece received its population from Asia Minor. This might come about in two ways—either by sea, over the islands of the Ægean, or by the longer route over the Hellespont or the Bosporus, through Thrace and Macedonia, and it may be conjectured that the immigration by the former of the sea routes we have mentioned took place not later but earlier than that by the latter. Among the immigrants by the longer route we may class the races comprehended under the name of the Æolians and Dorians; while it is the other race—those who immigrated by the sea route—for whom the name they had borne in Asia afterwards serves as the distinctive appellation of the whole race. Scattered traces of this name (which are, it must be confessed, not entirely free from doubt) might perhaps admit of being recognised as existing in Greece before the historical period. In that period the term Ionians was applied upon the mainland only to the Athenians. But that their Ionic character should first proceed from the immigration under Ægeus or that under Theseus I for my part see no reason whatever to assume. These immigrants were

[1] Perhaps from the Lydians, as is the opinion of A. Weber, *Zeitschr. für vergl. Spr.* v. p. 222.

certainly Ionians; but they found in Attica a population which was likewise neither Doric nor Æolic, but Ionic. It is manifest that the differences in the geographical position and the other conditions of life between the various branches of the Ionic race must have given rise to many differences in their mode of life, their manners and customs, and their worship. The Ionians of Ægeus and Theseus were a seafaring people, and the sea-god Poseidon was the principal deity they worshipped; while the life of the old Attic Ionians had become divorced from seafaring pursuits, and had assumed an agricultural character, whence the divinities whom they principally honoured were also agricultural. Indeed, even after Ægeus and Theseus, until the times of the Persian wars, they were of no importance as a maritime State. For the assumption of a radical transformation of the old-Attic population by immigrants, through which from non-Ionians they became Ionians, there is no justification whatever.

Page 337.—That the application of the lot to the election of the Archons was introduced by Clisthenes others have joined me in assuming; for instance Sauppe, *de creatione archontum Atticorum*, p. 4; Curtius, *Hist. of Greece*, i. pp. 386, 478; Droysen, *zur Uebers. d. Æschylus*, 3d ed. p. 532. The view is combated by Duncker (*Gesch. d. Alterthums*, iv. p. 475, ed. 1857), who is of opinion that, from the nature of the case, the lot could not have been introduced earlier than the time when all the property classes became eligible, *i.e.* not till the law of Aristides. Previously, he argues, so long as the office of Archon was open only to Pentacosiomedimni, the introduction of the lot would have been an aristocratic measure—that is to say, one which favoured the ruling nobility, because the majority of the Pentacosiomedimni belonged to the nobility; and Clisthenes, moreover, when he wished to restrict the ruling nobility, would have had no reason to abolish election by vote, which insured to the people the possibility of excluding persons of oligarchic sympathies, and to introduce in its stead election by lot, which did not admit of this possibility, but rather secured the contrary, inasmuch as the Pentacosiomedimni, who alone were privileged, were for the most part attached to the ruling nobility, and unfavourably disposed towards popular freedom. In my opinion, this much only is to be conceded, that the majority of the Pentacosiomedimni consisted of members of the nobility; but the view that all these are to be regarded as supporters of oligarchic privilege seems to me incapable of proof. I should prefer to regard it as a cheering fact, and as redounding to the honour of the Athenians, that in this period of their history there are no proofs whatever to be found of efforts towards oligarchy on the part of the Eupatridæ, or of mistrust and hate of the nobility on the part of the commonalty.

Duncker is further of opinion that it was not until access to the Archonship was opened to all the property-classes that rich merchants and shipowners, who before had belonged to the lowest class, which was excluded from all state offices, could come forward as candidates against the Pentacosiomedimni, who belonged to the nobility, and that after that time the introduction of the lot instead of election by vote might be desired by even the nobility themselves, because under it they had no reason to fear lest thoroughgoing democrats—that is to say, opponents of the nobility—should be elected by the people to the Archonship. Hence, he says, it is evident that the lot was not introduced so early as Clisthenes. Nothing, however, deserves to be called evident except that Duncker is very firmly convinced of the conclusiveness of his own argument. To support it he also refers to the great regard enjoyed, according to Aristotle (*Politics*, v. 3. 4), by the Areopagus during the Persian war; for it is (he says) impossible that a board constituted by the chance of the lot could have maintained such a

position. Clearly he is of opinion that every Archon, on the expiration of his term of office, became a member of the Areopagus without further formality, though this probably could not have been the case. Cf. above, p. 495, and the work of Bergman there quoted, and Athenæus, xvi. 21, p. 566.

Page 345.—Against the view that the Thirty suspended the Areopagus in addition to the other institutions (Curtius, iv. p. 16, note), some objections might perhaps be raised. The regular functions of the Areopagus did not by any means extend to the whole of what is called "criminal jurisdiction," but was confined to the δικαὶ φονικαὶ specially so called, in which the procedure was prescribed by formularies of ritual; and with these suits the Thirty had the less reason to interfere, inasmuch as the cases in which resort was of necessity had to it were rare, and for the most part without any special political importance. That in the passage of Lysias (i. 30), so often referred to, the word ἀποδέδοται (or ἀποδίδοται) is no proof of the restoration of a jurisdiction which had previously been withdrawn Curtius is as well aware as I am myself. That the twelfth oration of Lysias was delivered, not before the Areopagus, but before a heliastic court, is clear; but to conclude from that fact, with Rauchenstein (*Philologus*, x. p. 607), that at the time of its delivery the jurisdiction which had been withdrawn from the Areopagus had not yet been restored, might not be safe, so long as it is impossible to prove that the subject dealt with in that speech was of such a character that it properly came within the special sphere of the Areopagus. But will it ever be possible to offer such proof?

Page 359, *note* 1.—That the right expression by which to designate the eighteenth year is not ἐπὶ δυοῖν ἥβαν, as it stood in the earlier editions of my work, but ἐπὶ δυοῖν ἥβῆσαι, may be considered clear. Cf. Schömann, *Opuscula Academica*, iv. p. 129. In a passage of Hyperides, quoted by Harpocration, *sub voc.* ἐπὶ δυοῖν, we have κυρίους εἶναι . . . τοὺς παῖδας ἐπειδὰν ἐπὶ δυοῖν ἥβῶσιν; but that this must read ἡβήσωσιν is sufficiently shown by Harpocration's Lemma, and the other grammarians also have the aorist. See, further, Isæus viii. 31, x. 12, and the fragment quoted by Suidas, *sub voc.* τέως: Baiter and Sauppe, *Oratt.* ii. p. 138; Demosth. *in Stephan.* ii. p. 1135, § 20. The law quoted in § 24 of this oration has indeed πρὶν ἐπὶ δυοῖν ἥβαν; but in Demosthenes' own words we meet with the precise expression πρὶν ἡβῆσαι.

Page 360.—Preller (*Griechische Mythologie*, i. part 2, 254) wishes to have the word Enyalios, in the oath of the Ephebi, regarded simply as an epithet of Ares. The same opinion is held by others, and it is impossible decisively to refute it. That, however, the Athenians, at least at the time of Aristophanes, made a distinction between Ares and Enyalios, might admit of being inferred from the passage of the *Pax*, 457.

Page 369.—It may strike us as strange that Theseus is not included among the Eponymi; and some have believed themselves able to explain this by the assumption, that, in the view of the legislator who instituted the Eponymi, Theseus was a usurper, and that consequently he was not thought worthy of this honour. In support of this view, an appeal might also be made to the statement (given in Plutarch, *Theseus*, c. 35) that Theseus was driven out by the Athenians, and a curse pronounced upon him, evidence of which is afforded, Plutarch says, by the so-called Ἀρητήριον at Gargettos. But as, despite this, a place among the Eponymi has been granted to Acamas, the son of the usurper, this conjecture seems not to be altogether certain, and I should prefer to content myself with the more modest supposition, that as Theseus was considered as the founder of the collective State, it did not appear proper to give his name to one particular Phyle.

Page 389.—Among the measures devised in order to get over the numerous contradictions and confusions in the laws was the *ἀναγραφή*, ordered on special occasions, and which we might regard as a species of codification. Such a measure, in the time of Demetrius Phalereus, will be spoken of hereafter. At present it may be permissible to consider somewhat more particularly that which is dealt with in the *Oratio in Nicomachum*, *Lysiaca*, no. xxx. Nicomachus, according to the statement of the orator, had received a commission, some years before the end of the Peloponnesian war, to draw up the laws of Solon; a statement which, if it is to be taken literally, can only mean that he was to separate the old laws, those which genuinely dated from Solon, from those which had been added to them subsequently, and to make a collection of the former. For this purpose he had been allowed a period of four months; but he did not finish his task in this time, but allowed it to drag on for six years, until the misfortunes which Athens met with interrupted him, and he himself was driven to withdraw from the city. If his commission was given him six years before the conquest of Athens, his flight falls in the time immediately after the fall of the rule of the Four Hundred; and we learn from Thucydides that at that time a commission of Nomothetæ was appointed (*νομοθέτας καὶ τἆλλα ἐψηφίσαντο ἐς τὴν πολιτείαν*, Thuc. viii. 97), though Thucydides gives us no particulars relative to the composition and the function of this body. Wattenbach (*de quadringentorum factione*, Berlin, 1842, p. 64) says: "Ad leges Solonis probandas et ordinandas *νομοθέται* electi sunt, qui intra quattuor menses negotium absolverent: sed Nicomachus per totos sex annos in magistratu mansit." He must therefore have regarded Nicomachus as belonging to the commission of Nomothetæ, probably as their president; a view requiring no refutation. The task of Nicomachus was not Nomothesia, but merely to catalogue laws already in existence; and if the words of the orator are to be taken literally, he had to deal only with the laws of Solon, while the Nomothetæ, on the contrary, probably had the task of reorganising the constitution after the overthrow of the Four Hundred, and of approving the laws requisite for that purpose—for instance, those relative to the abolition of the Diætæ of the Council and the Assembly, and of the payment of the functionaries of government, the limitation of the number of those citizens who possessed a vote, and similar provisions relative to the constitution and the organisation of the government. Naturally a complete and lucid collection of all the laws already in existence was also found necessary at this period, in order to be able to decide with certainty which of them were to be abolished and which to be retained. This task of collection and cataloguing was the business of the *ἀναγραφή*; but the decision with regard to the abolition or retention rested, not with the clerks charged with the *ἀναγραφή*, but with the Nomothetæ. From this period there has been preserved a piece of evidence—which is indeed fragmentary—a decree of the people of Ol. 92. 4 (B.C. 409-408), which has finally been published and commented upon by Ulrich Köhler, *Hermes*, vol. ii. Upon the motion of a person, who is probably Athenophanes, it is enacted that the *ἀναγραφεῖς τῶν νόμων* were to copy upon a pillar of stone, and to set up before the hall of the king, the law of Draco concerning murder, which, it is stated, was to be delivered to them by the secretary to the Prytany of the Council. There were accordingly without doubt authentic copies of ancient laws in the archives of the Council; there were also, at the time this decree of the people was drawn up, clerks (*ἀναγραφεῖς*), whose function it was to transfer to stone the laws delivered to them, or to have the transference performed by stonecutters under their own superintendence. As the document we have is a resolution of the people, there is no question of a commission of Nomothetæ such as

was instituted soon after the overthrow of the Four Hundred. We must assume that this commission was no longer at work. The decree of the people designates only one specified law, which is to be delivered to the *ἀναγραφεῖς*, and to be transferred by them to the tablet of stone; but that a special ordinance of the kind was required to be passed by the people with reference to each law separately can hardly be believed. It is certain that the *ἀναγραφεῖς* were only instructed in general to collect and copy the existing laws in a trustworthy and accredited form. The question which of them were to be abrogated and which to be retained was not their business, but that of the Nomothetæ, whether a specially nominated commission, or one appointed in the mode described in the text, page 387. That Nicomachus belonged to the *ἀναγραφεῖς* mentioned in the document in question may be confidently assumed, since he had not yet completed the task given him during or about the year 411 B.C. But it is also beyond doubt that he had several colleagues, among whom the work was probably divided according to certain headings. Naturally there were chosen for the work, by preference, persons with a knowledge of law from among the number of the clerks who served the various functionaries of government and had opportunity to obtain a fuller knowledge of the existing legal matter, of which it was not easy to get a general view. Such an official was Nicomachus, who possibly was at the head of these persons. If, as stated in the speech, only a period of four months was allowed him for his work, and he could not complete it in that time, the work may have been more troublesome and difficult than had been imagined. His spending six years upon it may have been his fault; but this much seems clear, that his task was not withdrawn from him and he was not removed, and that accordingly the protracted prolongation of his work was regarded as excusable. And when we see that after the overthrow of the Thirty Nicomachus was again charged with the *ἀναγραφή* of the laws, we may perhaps conclude that his earlier conduct had not been of such a kind as to make him appear unworthy of the confidence reposed in him. At that date, as after the overthrow of the Four Hundred, a commission of Nomothetæ was nominated with regard to which we have (Andocides, *de Mysteriis*, § 82-85) a statement which is indeed somewhat confused and not clearly to be interpreted; and some modern inquirers have permitted themselves to be misled into assigning Nicomachus a place as member in this commission as well. I am unable to find any reason for so doing; for when we read (§ 2) *αὐτὸν νομοθέτην κατέστησεν*, and (§ 27) *ἀντὶ μὲν δούλου πολίτης γεγένηται, ἀντὶ δὲ ὑπογραμμάτεως νομοθέτης*, we see clearly enough that he is charged with having by his conduct assumed something which properly does not belong to him at all. The function to which he was appointed consisted only in the *ἀναγραφή*; but he found means of improperly assuming such an attitude that as a matter of fact in many cases he made himself equivalent to a Nomothetes. And though his function is sometimes termed an *ἀρχή*, we know in how wide and general a sense this expression is generally used: as has been noticed in the text, page 401.

Apart from all this I will not conceal that this Oratio in Nicomachum seems to me open to very great suspicion. Dionysius (*De Lysia Judicium*, c. 18) applies to Lysias the proverb *ἴσκε ψεύδεα πολλὰ λέγων ἐτύμοισιν ὁμοῖα*: but the contents of this speech are matters which to a great extent are not *ἐτύμοισιν ὁμοῖα*, but very improbable—nay, incredible. I am of opinion that this speech was not delivered or intended to be delivered before a court at all, inasmuch as the most essential requisites for that purpose are entirely wanting to it; it seems to me to be merely an attack published by an enemy of Nicomachus in the form of a speech before a court. Whether Lysias

composed it on his own account or in the service of another person I refrain from discussing. But we know from Harpocration, *sub voc.* ἐπιβολή, that even ancient critics raised doubts against its genuineness, and these doubts must have had reference not merely to its language and form, but also to its contents. Perhaps my suspicions will instigate some younger inquirer—it may be the excellent H. Frohberger—to subject the matter to a fuller examination.

Page 406.—Duncker (iv. p. 207) is of opinion that the participation of the Council in the Dokimasia of the Archons, in addition to the examination which had to be passed before the Heliastæ, must be a later provision, inasmuch as it presumes that superiority of the Council to the Archons which was unknown to the period and institutions of Solon. I confess that this argument seems to me to be of inferior weight. Granted that the Dokimasia is proof of a superiority in the position of the authority conducting it, yet those who were examined by the Council were not already Archons, but merely candidates designated for the Archonship by the popular choice. Nor do I understand why, if Solon transferred the examination to the Heliæa alone, a participation of the Council in it should have been ordered at a later date, especially as the result of the examination in the Council, which preceded that before the Heliastæ, might be totally deprived of its effect by this latter, if the candidate approved by the Council were afterwards rejected by the Heliastæ. It seems more probable that originally the Dokimasia was the business of the Council alone, and was not assigned to the Heliastæ until a later period; that then the remaining functionaries of government were obliged to undergo their examination before this body alone, and that it was only in the case of the Archons and their Paredri that the double examination took place—first, according to ancient custom in the Council, and secondly, before the Heliastæ. For this double Dokimasia of the Archons and their Paredri we have express evidence from Demosthenes *in Leptin.* p. 484, § 90, and Pollux viii. 92; with regard to the other official functionaries we have no such evidence. Among the orations in existence are three which deal with Dokimasia, and were delivered before the Council—that of Lysias against Evandrus (xxvi.), who had been elected by lot to the Archonship, the oration against Philo (xxxi.), who had been similarly elected to a seat in the Council, and the oration for Mantitheus (xvi.), the subject of this latter, though the matter is not quite clear, having likewise been elected by lot as a member of the Council. A fourth oration on behalf of a person who is not named (xxv.) was likewise delivered, according to the very probable conjecture of Meier, *Attische Process*, p. 208, in a Dokimasia, though in one which took place not before the Council but before Heliastæ.

Page 410, *note* 3.—Telfy (*Corpus juris Attici*, p. 471) considers it probable that a secretary was elected by lot from the tenth Phyle, to render assistance in the business which had to be attended to by the Board in common. In ancient writers we hear nothing of such a practice, and though the Scholia on Aristophanes, *Vespæ*, 774, and *Plutus*, 277, do speak of a Secretary of the Board, nothing is stated in them regarding the mode of his appointment.

Page 412, *note* 1.—See further the article of R. Schöll, *Die Speisung im Prytaneion zu Athen, Hermes*, vol. vi. p. 20. As regards the office of the Polemarchs beside the Lyceum, Fr. Lenormant, *Recherches archéologiques à Eleusis* (Paris, 1862), has called attention to the fact that Apollo, to whom the shrine which existed here was dedicated, is to be regarded as the chief god of the immigrants, designated under the name of Xuthus, and of whom the Phyle of the Hopletes seems principally to have consisted (see above,

page 318). Thus the military system also is regarded in later times as standing under the special protection of the god of the Hopletes, and therefore the Polemarchs have their office assigned them near a shrine of that god.

Page 445.—A fragment of a decree of the Assembly, of about the middle of the eightieth Olympiad, relating to the messing in the Prytaneum, and to those entitled to attend, and which has before been published by Pittakis and by Rangabé, has recently been published afresh by R. Schöll in the treatise mentioned above (*Hermes*, vol. vi.), and this whole subject, the detailed treatment of which does not belong to the plan of the present work, has there been treated with exhaustive thoroughness.

Page 458.—From the so-called Oratio Trapezitica of Isocrates we may conclude that the εἰσφορά was imposed not merely upon such foreigners as were settled permanently in Attica, but also upon such as only remained there for a time, at least if they had capital invested there, and carried on some kind of business. We there read of the son of an eminent Bosporiote who had come to Athens partly κατ' ἐμπορίαν partly κατὰ θεωρίαν (c. 3, § 4), but had certainly not settled there as a resident alien, since he speaks of himself as οἰκῶν ἐν τῷ Πόντῳ (c. 28, § 56). But he states in c. 21, § 41, that the εἰσφορά was imposed upon him, and he even seems to have made his own valuation (ἐμαυτῷ ἔτι ἐγραψάμην εἰσφορὰν μεγίστην) which of course could not have been done without the concurrence of the ἐπιγραφεῖς appointed by the State.

Page 461.—We are perhaps justified in regarding the Trierarchy as one of the extraordinary Liturgies, even though, as remarked by Curtius (*Hist. of Greece*, vol. ii. p. 600, Eng. trans.), Trierarchs were elected annually. For it was not every year the case that those who were elected were compelled to serve; but the number was regulated according to the necessities of the time, and was therefore especially large in times of war, or when convoys were required to protect the merchant vessels, at a time when navigation was endangered by pirates. The appointment therefore merely signified that the persons appointed must hold themselves in readiness, upon the requisition issued to them, to prepare their ship so as to proceed to sea with it. In times of peace, a year might frequently pass in which either none of the Trierarchs, or only some few, were required to fulfil their service. The obligation, however, was not limited to the calendar year, but lasted until actual service was required, and then occupied a year. See Böckh, *Urkund.* pp. 167, 171 *seq.* Between the Trierarchy and the ordinary or encyclic Liturgies, which all had reference to festivals, there was the further point of difference that there was no exemption (ἀτέλεια) from it, any more than there was from the εἰσφορά.—Demosth. *in Leptin.* §§ 18, 26, 27.

Page 466.—The fact that the name Ephetæ does not denote "Judges of Appeal," as some earlier inquirers have strangely imagined, may now be regarded as generally recognised, as it has been not long since by Ulrich Köhler, *Hermes*, ii. p. 32. Not less extraordinary, however, is the opinion that the name is a corruption of ἐφεδέται, which it is said denotes assessors (see *Philologus*, xi. p. 383; Pott, *K. Z.* vi. 36). The translation "director" (Anweiser), given by me and supported by Duncker, iv. p. 152, is simple and appropriate. From ἐφίεναι or ἐφίεσθαι, in the sense of directing, is derived the word ἐφετμή, and in Æsch. *Pers.* 80 ἐφέτης denotes the commander. The procedure before the court which tried cases of blood-guiltiness was prescribed by formularies of ritual, and it was the stricter observance of these formularies that the parties were directed by the Ephetæ to undertake.

Page 479.—From the *Philologische Anzeiger*, 1870, p. 141, I have information of a treatise (Herm. Hager, *Quæstiones Hyperideæ*, Lips. 1870) in which it is said to be proved that the Eisangelia was only admissible in cases of particular offences specified in the νόμος εἰσαγγελτικός. The treatise itself I have not seen, but I scarcely believe that this view admits of actual proof. Even if some offences were expressly specified in the νόμος εἰσαγγελτικός, it by no means follows that the Eisangelia was simply confined to this, and was not applicable in other cases of a similar character. In Hyperides' *Oratio pro Euxenippo*, the speaker aims at proving the case in question not to be adapted for an Eisangelia at all; and, without doubt, a matter was often of such a nature that it depended upon special circumstances whether it should be dealt with in the usual and regular way, or exceptionally and by an Eisangelia. Cf. A. Schäfer's review of Comparetti's edition of Hyperides, *Jahrbuch für Philologie*, 1861 (vol. lxxxiii.), p. 611.

Page 484.—The name πρυτανεῖα applied to these court-fees may perhaps be explained from the fact that they originally were paid into the fund whence was defrayed the cost of the public messes in the Prytaneum, and which was administered by the Colacretæ. See above, p. 418.

Page 487.—The opinion that secret voting was not introduced until after the time of Euclides is incapable of proof. See Schömann, *Opuscula Academica*, i. 260 A.

Page 515.—Many previous inquirers have called attention to the striking difference between the position of women in the historical period and in the earlier period depicted to us in the Homeric poems. In the earlier period the suitor bids for the bride with gifts, and accordingly seems, as it were, to buy her; in the historical period, on the contrary, the father must provide the daughter with an appropriate settlement and dowry, otherwise he runs the risk of leaving her without a suitor. Nitzsch (*Odyssee*, part i. p. 51) conjectures that the custom of giving dowries to the daughters probably arose in times and districts in which the number of the men did not exceed that of the women; that is to say, in which, in consequence of the number of the men not being excessive, it must have been a matter of concern to the father to attract, by means of a dowry, some one to take his daughter off his hands. If this was correct, it would be necessary to conclude, from the converse custom of the Homeric times, that in those times the number of the men considerably exceeded that of the women, and that consequently a wife, as being an article of some rarity, could not be obtained without paying a price. But that the numerical relation between the two sexes was really different then from what it was in later times there is no ground whatever to assume. The custom of, as it were, buying a wife by ἕδνα may have come down from the remote antiquity of the patriarchal ages, when the daughters, as giving help in the household, were a valuable possession to the father—a possession that he could not dispense with without loss. This custom maintained itself longest especially in royal and eminent families, with which a connection by marriage seemed both honourable and advantageous.

If the position of women seems to us more free and independent in Homer than in the later periods, we must, in the first place, not overlook the fact that the accounts of the poets only depict to us the circumstances of royal and eminent families, and give us little information with regard to the lower or middle classes of the population; and, secondly, that the ideas which it is customary to form of the subordinate and unworthy position of the women in the historical period cannot be acquitted of one-sided exaggeration. No doubt the difference between the two sexes must have

stood out with all the greater prominence the more the life of the husband was filled with such interests and employments as the women could naturally take little or no share in; but that, at the same time, the women had always reserved for them a sphere of management and action in which they were enabled to feel themselves in a position of dignity, and to be certain of the respect of the men,—this no one will dispute who does not intentionally shut his eyes to the fact. And as regards dowries, we are certainly not justified in regarding them merely as a necessary means of getting rid of the daughters, and providing them with husbands whom they would not otherwise have found; on the contrary, the custom arose from the feeling that it was an injustice to take so little account of the daughters as compared with the sons, that the former, as compared with the latter, should have no claim whatever to a portion of the parents' property. The conditions, however, under which the dowry was given were of such a kind that they might serve to secure the position of the wife relatively to her husband. The husband was not the owner of the dowry, but only the possessor of its usufruct; and his own interests of necessity compelled him so to treat the wife as to prevent her feeling herself unfortunate in her marriage with him, and finding reason for a separation, inasmuch as in that case he lost the enjoyment of the dowry. Thus it is expressly stated in Isæus iii. 36 that separation was rendered difficult by the regard paid to the dowry. Moreover, an investigation undertaken for the purpose might bring to light a sufficient number of testimonies and examples to show how women who had brought their husbands a considerable dowry managed by means of it, in antiquity precisely as at the present day, to maintain, not merely a position of independence with regard to their husbands, but one of absolute dominion over them. I will only add a remark regarding the high respect paid to women as mothers, a clear proof of which is given by old Strepsiades in the *Clouds* of Aristophanes. Strepsiades has indeed permitted himself to be persuaded by his son, who has been schooled in the arts of the Sophists, that it might possibly be lawful for the father to be corrected by the son with blows; but when the son goes on to assert the same right with regard to the mother, the father is put utterly beside himself by such an assertion, and regards it as altogether criminal and abominable. The theory of the difference between the relation of the father to the children and that of the mother, which is put by Æschylus in the *Eumenides* into the mouth of Apollo, may have been accepted among the learned; to the popular view it certainly did not correspond.

Page 520.—The law of Solon mentioned in the text (p. 334), imposing Atimia on those who held aloof from either side in civil contests, was certainly not renewed at the restoration of the democracy after the overthrow of the Thirty. This may be concluded from the oration of Lysias against Philo, in which the latter is indeed reproached in the strongest terms with his neutrality in the previous civil war, but not a syllable of reference is made to the Atimia thereby incurred. Apart from this, even when the old law was abrogated, the plaintiff might always have made reference to it and used it to paint the evil disposition of Philo in more glaring colours, especially in § 27, where mention of the law of Solon might so easily have been made. It may well cause surprise that the orator passed over this; and Halbertsma, who (*de magistratibus probandis apud Athenienses*, Daventr. 1841, § 7, p. 741), regards the oration as spurious, might also have used this omission as an argument for his view.

INDEX.

ABANTES, 81.
Abduction in Crete, 305.
Abortion, 104.
Academy, the, 507.
Acamantis, 369.
Achæa, monarchy in, 115; cities of, 122; democracy in, 169.
Achæans, generic name of Greeks, 7; descent of, 83; as Perioeci in Laconia, 202; in Messenia, 288.
Achæan League, 294, 539.
Acosmia, 310.
Acte in Attica, 316.
Actio, 486.
Ἀχνιάδαι, 363.
Ἀδέσποτοι, 201.
Adoption, laws of Philolaus relative to, 151; in Sparta, 214; in Athens, 356.
Adultery in Sparta, 267, 414; punishments of, in Crete, 306; in Athens, 469; involved loss of dowry, 517.
ἀδύνατοι, 439.
Æantis, 369.
Ægeis, 369.
Ægialea, 314.
Ægidæ, connection with Heraclidæ, 193, 208, 226.
Ægimius, 210, 298, 541.
Ægina, 170.
Ægospotami, 348, 447.
Æolian colonies, 117.
Æolians, 83.
Æschylus at courts of tyrants, 162; *Eumenides* of, 342, 493; theology of, 523.
Æsymnetæ, 157 *seq.*
Ætolians, 195.
Æxonæ, 527.
ἀγάλματα, 61.
Agathocles, 189.
Agathoergi, 248.
ἀγχιστεία, 357.
ἀγέλα at Sparta, 257; in Crete, 303, 306.
Agelatas, the, 303.
Agesilaus, 247, 273.
Agetor (Zeus), 247, 284.
Agidæ at Sparta, 225; perhaps non-Dorian, 543.
Agis, 235, 294.
Agnates, 357.
Agoge, the Spartan, 218, 223, 255.
ἀγῶνες τιμητοὶ, ἀγῶνες ἀτίμητοι, 462.
ἀγορὰ, 368; (γυναικεία), 531.
Agoranomi, 139; at Athens, 416.
Agrarian legislation, 224.
Agraulos (Athene), 360.
Agriculture, 94, 207.
Agrigentum, 133.
Agronomi, 138.
Αἰδὼς, altar of, at Athens, 523.
Aigialeis, 129, 159.
Aigicoreis, 129, 319.
Aischrionia, 130.
αἴτας, 261.
ἀκρόπολις, 122.
ἀκροφύλακες, 431.
Alcibiades, 257, 345, 504.
Alcínous, 25.
Alcippus, 254.
Alcmæonidæ, 325.
Alcman, 277.
Aletas, 114.
Aleuadæ, 117.
Alexander the Great, 534.
Aliens, resident, 347, 353; poll-tax of, 449.
ἀλλόθροοι ἄνθρωποι, 82 and note.
Alphabet, the, 16.
ἀλφεσίβοια, 66.
Altars, 59.
ἀμβούλιος, Ζεὺς, 233.
Ammonis (the trireme), 441.
ἀμνάμονες, 136.

Amnesty, the, at Athens, 345.
Amphictyons, Athenian, at Delos, 444.
Ἀμπίτταρες, 198, note.
ἄμπυξ, 72.
Amyclæ, 192, 207.
ἀναγορεύειν τὰς χειροτονίας, 385.
ἀναγραφὴ νόμων at Athens, 550 *seq.*
ἀναίδεια, stone of, 468.
ἀνάκρισις; at Athens, 467, 483.
Anaphlystus, 447.
Anaxilas, 161.
Anaxandeidas, 244, 266.
Andocides, 450.
Andreas of Sicyon, 159.
ἀνδρεῖα (the Syssitia), 269, 306.
ἀνεψιαδοῖ, 367.
Anomia, year of, at Athens, 537.
ἀντίδοσις, 463.
Antigonas (the tribe), 537.
Antigonis, 467.
Antigonus Doson, 294, 537.
ἀντιγραφή, 484.
ἀντιγραφεύς, 368, 378.
ἀντιλαχεῖν τὴν ἐρήμην, 490.
Antiochis, 369.
Antipater, 534.
ἀντωμοσία, 484.
ἀοιδοί, 54.
ἀπάγελοι, 303.
Apagoge, 478, 483.
ἀπαρχαί, 409.
ἀπάρχεσθαι, 60.
ἀπελλά, 234.
ἀπενιαυτισμός, 470.
Aphamiotæ, 298.
ἀφέλεια, altar of, 523.
ἀφέται, 201.
Aphidnæ, 277, 319.
Aphrodite πάνδημος, 519, note.
—— Urania, 11, 420.
Ἀποχειροτονεῖν, 391.
ἀποδρόμοι, 303.
ἀπόγραφα καὶ ἀπροβούλευτα, 381.
Apographe, 478, 481.
ἀποδέκται, 138; at Athens, 417.
ἀποκήρυξις, 502.
Ἀπόλλων πατρῷος, 365.
ἀποφέρειν εὐθύνας, 407.
ἀποστολεῖς, 426.
Ἀποθέται, 256.
Appeal, 490.
Aratus, 539.
Arbitrators in Heroic age, 48; at Sparta, 250; at Athens, 473.
Arcadia, 115, 289.
Arcesilaus, 12, 119.
ἀρχαιρεσίαι, 390.
ἀρχή, use of the term, 401.
ἀρχεῖον, 408.
ἀρχέλας, 409.
Archery in Crete, 303.
Archetheori, 444, 460.
Archidamus, 243, 278.
Archieranistæ, 362.
Architecton, the, at Athens, 426, 438.
Archons in general, 139; at Athens, institution of, 316, 322; dokimasia of, 404, 406; duties of, 410 *seq.*
ἄρχων μεσίδιος, 157.
ἄρχων τοῦ γένους, 321, 400.
ἀρχώνης, 450.
Ardettos, 475.
Areopagus, 138, 321; reformed by Draco, 327, 446; by Solon, 332; restriction of, by Ephialtes, 341; restored, 346; as check on legislation, 384; archons become members of, 414; functions of, 493 *seq.*; alleged suspension of, by thirty tyrants, 549.
Ares, 360.
ἀρετή, 174.
ἀρητήρ, 38.
Argadeis, 129, 317.
Argeia, 193.
ἀργίας γραφή, 498.
Arginusæ, enfranchisement of slaves after battle of, 350, 355.
Argolis, 312.
Argos, 171.
ἀργυράμοιβοι, 530, note.
ἀργυροκοπεῖον, 419.
ἀργυρολόγοι, 453.
Aristides, archon, 337; reforms of, 338, 356, 372.
Aristocracy, among the Dorians, 88; in general, 99, 150.
Aristocrates, 115.
Aristodemus of Arcadia, 116.
—— the Heraclide, 191, 208.
Aristogeiton, 351, 413, 445.
ἄριστον, τὸ, 75.
Aristonymus, 169.
Aristophanes, *Knights* of, 343; *Clouds* of, 509.
Aristophon, 358.
Aristotle, work on Greek constitutions, 89; view of state, 89; on treatment of slaves, 106; on liturgies, 147.
Armour in Heroic age, 77.
Army, Athenian, pay of, 446.

Arne, 193.
ἀρωγοί, 28.
Arrhephoria, 460.
Art in Sparta, 277.
Artaxerxes, 299.
Artemis Agrotera, 413.
—— βουλαία, 379.
—— Orthia, 247, 258.
Artemisium, 286.
Artisans, 95, 152.
Artists in Homer, 70; at Athens, 504.
Artyni, 136.
Ascra, 116.
ἀσέβεια, 471, 498.
Asiatic colonies, 87.
Assembly, Homeric, 24 *seq.*; later, 136, 176; in Sparta, 234.
Assessors, 331, 379, 413.
Asteropus, 239.
ἄστυ, 66, 122.
Astynomi, 138; at Athens, 415.
Astypalæa, 130.
ἀτέλεια, 354.
Athene Agraulos, 359.
—— βουλαία, 379.
—— statue of, 447.
Athenian Empire, 341.
Athenians, character of, 510.
Athens, 122, 170, 290, 311 *seq.*
Athlothetæ, 412, 443.
ἀτιμία, 218, 360, 482, 518, 520, 555.
Attalis (tribe), 539.
Attalus, 539.
Attica, 312; adapted for commerce, 525.
Autesion, 193.
Autochthones in Attica, 128, 313, 546.
Auxo, 360.
ἄξονες, 329.
Axos, 301.

Babyca, 234.
Babylonian weights and measures, 18.
Bacchiadæ, 114, 124.
Bail, 483.
Ballot, 385.
βάνα, 13.
βάνανσοι, 102.
Banking at Athens, 530.
Banishment, 188; from Sparta, 254.
βαφά, 272.
Barathrum, 488.
Barbarians, 103.
βαρβαρόφωνοι, 2, 82.
βασανισταί, 430.
βάσανος, 485.
βασιλῆες, 22.
Basileus, archon, 322, 409.
Basilidæ, 118.
βασιλίδες, 409.
Bastards, 53.
Baths, 274.
Βατραχιοῦν, τό, 476.
Battle, in Homer, 79; among Spartans, 285.
Belbina, 203.
Beunæans at Ephesus, 130.
Bias of Priene, 166.
Bidyi, 248, 257.
Blood-guiltiness, trials for, at Athens, 321, 326, 332, 465.
Blood revenge, 46.
Böckh on Athenian expenditure, 445; on Athenian census system, 455.
Bodyguard, 160.
Bœotia, 116, 312.
Bœotians, 6, 193.
Bomonicas, 258.
Book-market at Athens, 528.
βοᾶναι, 427.
Boreis, 129.
Bottomry, 435, 529.
βοῦα, 257.
Boule, Homeric, 23; later, 136, 176, 178; at Crete, 302; of Solon, 331; at Athens, 371 *seq.*
βούλευσις, 469.
βουλευταί, 372.
βουλευτήριον, 376.
Bouleutic oath, 406.
Boundaries, sacrifices at, 284.
βουτύποι, 320, note.
βουζύγαι, 320, note.
Bowmen at Athens, 352.
Boxing, 257.
Brasidas in Chalcidice, 171, 198, 284.
Brauron, 319.
Bribery punished at Athens, 520.
Brilessus, 318.
Bucolium, 412.
Buildings, public, 393.
Burial of Hector, 80.
Butadæ, 366.
Byzantines, 133.
Byzantium, Athenian toll at, 453.

Cabiri, 11.
Cadmea, 253.
Cadmeans, 193.
Cadmus, 12, 208, 299.

Caiadas, 255.
Calendar, 244.
Callistratus, 340.
Calophori, 308.
Camp before Troy, 76; Spartan, 285.
Canvassing at Athens, 391.
Caphisias, 129.
Capital punishment, 488.
Cappadocia, 349.
Carians, 2, 82.
Carneia, 272.
Carrying trade of Athens, 528 *seq.*
Cassander, 534, 537 *seq.*
Caste system in Attica, 320.
Catonacophori, 133.
Catoptæ, 144.
Cattle-breeding, 66.
Causes, public, at Athens, 477.
Cavalry, 125; at Sparta, 283; Crete, 301; Athens, 425.
Cecropia, 319.
Cecropidæ, 315.
Cecrops, 13.
Celibacy at Sparta, 253; at Athens, 518.
Censorship of morals, 498.
Census, arrangment of Athenian, 455.
Centralisation in Attica, 316.
Cephisia, 319.
Ceraon, 250.
Chæronea, 347.
Chain of command in Spartan army, 283.
Chalcodontides, 313, 318.
Chalcus, 433.
Charilaus, 221.
Chariot, 77.
Charondas, 156, 180.
Chartas, 206.
χειροτονητοί, 403.
Cheirotonia, 236, 385.
Children, exposure of, 501; education of, 502.
Chilon, 166.
Chios, 134, 287, 349.
χιτὼν σχιστός, 263.
χλαῖνα, 71.
Chlamys, 435.
Choregia, 459.
Choregus, 392.
Choreutæ, 423.
Chorus at Sparta, 260.
Church and State, 109.
Cilician pirates, 310.
Cillikyrii, 133.
Cimon, 316, 341.
Cinadon, 196.
Cinæthon, 277.
Cithæon, 318.
Citizens, 100.
Civic rights, bestowal of, 185; at Sparta, 209; at Athens, 355.
Clarotæ, 132, 298.
Classes of society, 126.
—— Solonian, 329.
Cleandridas, 200.
Cleandrus, 162.
Cleisthenes of Sicyon, 129.
—— of Athens, 335 *seq.*; reforms of, 548.
Cleombrotus, 206, 281.
Cleomenes I., king of Sparta, ranked as a tyrant, 159; defeats Argos, 171; Achæan, origin of, 208, 543.
Cleomenes III. of Sparta, reforms of, 294.
Clepsydra, 487.
Clerks of government at Athens, 429.
Clothing of Spartan women, 263.
—— at Athens, 434.
Clubs, political, 185, 363.
Cnemus, 286.
Cnidus, 346, 445.
Cnossus, 297.
Codridæ, 117, 716, 322.
Codrus, 316.
Coin at Athens, 432.
Colleges of magistrates, 408.
Colonies, 117, 164.
Colonists, Spartan, 220.
Colonus, 349, 380.
Comedy, Old, as a censorship of morals, 521.
Commerce, 69; of Athens, 525.
Commercial laws, 526.
Commissioners sent with Spartan kings, 229.
Companies, trading, 361.
Compurgators, 28.
Concubines, 519.
Conditions of State life, 95.
Confiscation, 489.
Connubium, 193.
Conon, 346, 445.
Constitution, Solonian, 333.
Contractors, 450,
Contributions to Syssitia, 307.
Copper, 526.
Coprologi, 415.
Corcyra, 141, 186.
Corinthians, non-Dorian character of, 87; tribes among, 129.
χωρὶς οἰκοῦντες, 350.

Corn trade, seats of, 526.
Corporations at Athens, 361 *seq.*
Corynephori, 133.
Cosmetæ, 509.
Cosmios, 142.
Cosmopolis, 142.
Cothocidæ, 366, note.
Council at Athens, 371 *seq.*; participates in Dokimasia of Archons, 552.
Court fees, 452, 484.
Courts at Athens, 476.
Cranai, 315.
Crannon, battle of, 534.
Craugallidæ, 134.
Creon, 322.
Cresphontes, 115, 191.
Cretan mercenaries, 310.
Cretans, character of, 310.
Crete, population of, in Heroic age, 39; reformers from, 165 *seq.*; constitution, 295 *seq.*; wine of, 527.
Creusa, 314.
Criminal jurisdiction, 148.
Critias, 188.
Croton, 137, 161, 167.
Crowns, for councillors, 373; as rewards, 445.
Curetes, 5.
Curtius, E., on Phœnicians in Greece, 8, 9, notes; on Heroic kingdoms, 20, note; on Heroic morality, 47, note; on payment of jurymen, 340, notes; on the suspension of Areopagus by Thirty, 549; on the trierarchy, 553.
Cyclic chorus, 459.
Cydones, 296.
Cydonia, 297.
Cylon, 324.
Cyme, 561.
Cynosarges, 507.
Cynosura, 207.
Cynurians, 201, 289.
Cyprus, metals of, 526.
Cypselidæ, 129.
Cypselus, 153.
Cyrene, 118.
Cythera, acquired by Spartans, 289; population of, 202; trade of, 207; in Peloponnesian war, 283.
Cytherodicæ, 205.
Cytheron, 319.
Cyzicus, 129.

δαιτρός, 320.
Danaus, 13.
Dancing, in Heroic age, 54; at Sparta, 277.
Daton, 250.
Debates in Popular Assembly, 177.
Debt in Attica, 323, 328.
Debtors of State, 361, 451.
Decadarchi, 424.
Decades, 424.
Decarchies, 187.
Decelea, Helot troops at, 198; in Attic Dodecapolis, 319; loss to revenue on occupation of, 452.
Dechas, 255.
Defence, system of, at Sparta, 278 *seq.*
δείγμα, 476.
Deiphontes, 210.
δεῖπνον, 75.
δεκάδρομοι, 306.
δεκατηλόγοι, 450.
Delian trireme, 441.
Deliberative power in Greek State, 96.
Delos, 349.
Delphi, mention of, by Homer, 64; deposits of Spartans at, 291.
Delphinium, 465.
Demagogues, influence of, 175; at Athens, 342, 524.
Demarch, 368.
Demes, nature of, 122, 131; in Attica, 336; details relating to, 366.
Demetrius Phalereus, 535.
—— Poliorcetes, 537.
δημιόπρατα, 417.
δήμιος, ὁ, 431.
Demiurgi (artisans) in Heroic age, 42.
—— (magistrates) in Elis, 172.
—— (name of lower class in early Attica), 321.
Democedes of Croton, 436.
Democharès, 539.
Democracy in general, 98; rise of, 155, 169 *seq.*; characteristics of, 173 *seq.*; at Athens, 340 *seq.*, 524.
δημόκοινος, 431.
δημοποίητοι at Athens, 351, 517, note.
Demos, 65; at Sparta, 217; at Athens, 491.
Demosthenes on licence of Athenian slaves, 350; Probole against Midias, 392; career of, 532; death of, 534.
Demostratus, 500, and note.
Demotæ, 359.
δήμου προστάτης, 173.
Demuchi, 143, 172.
Dercyllidas, 264.
Dermaticum, 443.
δεσμός, 489.

δεσποσιοναῦται, 198, note.
Diacria, 316, 327.
Diadems, 34.
διαδικασίαι, 482.
Diætæ, 437, 491.
Diætetæ, 411, 471 *seq.*
Diagoridæ, 171.
διαγραφεῖς, 458.
Diamastigosis, 256, 295.
Dicelictæ, 277.
δίκαι ἔμμηνοι, 486.
—— ἐμπορικαί, 486.
—— ἐρανικαί, 486.
—— κατά τινος, πρός τινα, 482.
—— μεταλλικαί, 486.
—— φονικαί, 411.
δικάσπολοι, 27.
δικασταὶ κατὰ δήμους, 473.
δικαστήρια, 475.
δίκη ἀγαμίου, 518.
—— αἰκίας, 484.
—— ἀποστασίου, 351.
—— βλάβης, 487.
—— τοῦ ἐπιτριηραρχήματος, 463.
—— ἐξούλης, 490.
—— κακηγορίας, 394.
—— κακοτεχνιῶν, 490.
—— λιπομαρτυρίου, 487.
—— ὀψιγαμίου, 265.
—— προϊκός, 486.
—— ψευδομαρτυριῶν, 490.
Dinarchus, 509.
Dining-clubs at Athens, 362. *See* Syssitia.
Diocles, 179.
διογενεῖς, 22.
Diogenic gymnasium, the, 507.
Diogenes, 273.
διοικήσει (ὁ ἐπὶ τῇ), 418.
Dionysia at Athens, 413, 444.
Dionysius of Syracuse, 189.
—— theatre of, 442.
Diophantus, 352.
διοσημία, 385, 429.
Διόσκουροι ἀμβούλιοι, 233.
Dipoinus, a Periœcus, 304.
Discipline, public, in general, 104 *seq.*; at Sparta, necessary to citizenship, 218; under Ephors, 242 *seq.*; details of, 255; in Crete, 302 *seq.*; at Athens, 500 *seq.*
Disinheritance, 502.
District judges in Attica, 474.
Dithyrambic chorus, cost of, 459.
Division of land in Sparta, 223, 294.
Divorce in Sparta, 266; at Athens, 517.
δμῶες, 40.
Dodona in Homer, 64.
Dokimasia at Athens, 333; of Council, 373; of magistrates, 403 *seq.*, 483.
Dolopes, 132.
Domain land of king, 32.
Dontas, 206.
Dorians, migration of, 6, 191 *seq.*, 541 *seq.*; extent of, 83; dialect, 84; character, 85; equality among, 301; in Messenia, 288; in Crete, 296.
Dorisation of Peloponnesus, 202.
Dorophori at Heraclea Pontica, 134.
δόρπον, 75.
δόρυ, 35.
Dosiades, 307.
δωτῖναι, 35.
δοῦλος, δούλη in Homer, 40, and note.
Dowries in Sparta, 265; in Athens, 516; alleged origin of, 554.
Drachma, value of, 432.
Draco, 158, 324; alleged institution of Ephetæ, 465 *seq.*
Drama absent in Sparta, 277.
Dress of Spartans, 273; of Cretans, 303; of slaves at Athens, 350.
Drill of Spartan army, 282.
Drinking-parties in Crete, 308.
δρόμοι, 303.
Dryopes, 134.
Dues, import and export, at Athens, 449.
δυναστεία, 98.
Duration of term of office, 149.
Dyandry in Sparta, 267.
Dymanes, 129, 210.
Dynasteutic, 233.

EARTHQUAKE of B.C. 464 at Sparta, 215.
Ecclesia at Sparta, 234; at Athens, 379 *seq.*; sphere of, 397.
Ecclesiastical unions at Athens, 367.
Eccritus, 198.
Education in Heroic age, 54; in general, 105; neglected in oligarchies, 149; at Sparta, 209; in Crete, 304; at Athens, 502; female, 512.
ἐγγράφειν εὐθύνας, 407.
ἐγγύησις, 356.
ἔγκλημα, 483.
ἔγκτησις, 100.
ἐγκτητικόν, 368.
ἐγκύκλιος παιδεία, 511.
Egyptian colony, alleged, in Attica, 14.

Egyptian revolt in reign of Artaxerxes, 292.
Eikadistæ, 362.
εἰκοστολόγοι, 450.
εἰλαπίνη, 75.
εἴρενες, 263.
εἰσαγγελία, 395, 479, 482, note.
εἰσιτήρια, 379, 409.
εἰσφορά, 354, 399, 455.
εἰσπνήλας, 261.
ἔκκλητοι τῶν Λακεδαιμονίων, 234, note.
ἐκλογεῖς, 453.
ἐκμαρτυρίαι, 484.
ἐκφυλλοφορία, 373.
Election to Spartan Gerousia, 231.
—— of magistrates at Athens, 390.
Electrum, 72.
Eleusinian mysteries, 429.
Eleusinium, 376.
Eleusis, 319, 366.
Eleven, Board of, at Athens, 414, 488.
Eleutherolacones, 295.
Eligibility to office, 331.
Elis, immigration of Ætolians into, 115; constitution of, 172.
ἐλλιμένιον, 449.
ἐλλιμενισταί, 450.
Emancipation of slaves in Heroic age, 40; frequency of, 107; of Helots, 199; in Athens, 352.
Embaterion, the, 285.
Empedocles, political activity of, 168.
Empelori, 248.
ἔμφρουρος, 279.
ἐμπορικαὶ δίκαι, 486.
ἔμποροι, 474.
Endeixis, 478, 483.
ἐνωμοτίαι, 279.
Enomotarchs, 247, 280.
Enyalios, 360, 413.
ἐπακρεῖς, 371.
Epacria, 319.
ἐπαγγελία, 393.
ἐπαγγέλλειν δοκιμασίαν, 406.
ἔπαικλον, 272.
ἐπευνακταί, 200.
Ephebi at Athens, 359, 509.
Ephegesis, 479.
Ephesus, monarchy at, 118; Phylæ at, 130.
Ephetæ at Athens, institution of, 324, 465 *seq.*; functions of, 332, 411; meaning of name, 466, 553.
Ephialtes the Athenian, 341.
Ephors in general, 143; at Sparta, functions of, 205, 229, 236 *seq.*; decadence of, 293; abolished, 294.
ἐφύδωρ, 431.
ἐπιβάται, 198, 287, 426.
ἐπιχειροτονία, 379, 404; time of, 387; procedure in, 391 *seq.*
Epidemiurgus, 143.
ἐπίδικος, 356, note.
ἐπιδόσεις, 399, 454.
ἐπιγαμία, right of, 101; possessed by Spartan colonists, 220; at Athens, 356.
Epigeomori, 321.
ἐπιγραφεῖς, 417, 458.
ἐπίκληρος, 356.
ἐπιλαχών, 403.
ἐπιμεληταί as a class of Athenian officials, 400 *seq.*
—— of Dionysia and Thargelia, 413.
—— τοῦ ἐμπορίου, 416.
—— τῶν νεωρίων, 426.
—— τῶν φυλῶν, 370.
ἐπιμελητὴς τῆς κοινῆς προσόδου, 418.
Epimenides, 165; not a Dorian, 304; residence at Sparta, 276; at Athens, 325.
ἐπιψηφίζειν, 384.
Epirus, monarchy in, 116.
ἐπίσκοπος, 436.
Epistatæ in general, 138.
ἐπιστάτης τοῦ ναυτικοῦ, 426.
—— of Prytanes and Proedri, 377, 382.
—— of temple, 427.
—— τῶν ὑδάτων, 427.
Epistoleus, the, at Sparta, 248, 287.
Epitadeus, law of, 216, 265, 292.
ἐπίθετοι ἑορταί, 498.
ἐπιτιμία, 360, 372.
ἐπίτροπος, 349.
Epobelia, 488.
ἐπώνια, 449.
Eponymi, statues of the, 370, 412, 454.
Eponymous ancestors of gentes, 320, 369; of demes, 367.
Eponymus archon, 410.
Epos, mainly Ionian, 85; decadence of, 165.
Equality in democracy, 180; of Dorians, 301; of property at Sparta, 212.
Eranistæ, 362.
ἔρανος in Homer, 75; in Athens, 362.
ἐραστής, 305.
Erechtheis, 369.
Erinyes, 496.
ἔριθοι, 41.

ἐρυκτῆρες, 198, note.
Erythræ, oligarchy at, 118.
Eryxias, 322.
Estates, alienation of, 159.
Etearchus, 301.
Eteocleis at Orchomenus, 129.
Eteocretes, 296.
Euclides, archonship of, 358.
Eumelus, 165.
Eumenides, ἱεροποιοί of, 427; nature of, 496.
Eumæus, 40.
Eumolpidæ, 429.
Εὐπατρίδαι in general, 126; in Athens, 319.
εὐφημία, 60.
Euphron of Sicyon, 189.
εὔποροι, 126.
Euripides, 522 *seq.*
Eurotas, 192.
εὐρυάγυια, 121.
εὐρύπρωκτος, 510.
Eurypontidæ, 221, 225; alleged origin of, 543.
Eurysacidæ, 124.
Eurysthenes, 208.
εὐθύναι, 407.
Euthyne, 479, 483.
Euthyni in general, 146; of demes, 368; board of, at Athens, 407.
ἕξαιτος, 471.
Exegetæ, 429.
Exemption from military service at Athens, 423.
Exetastæ, 146.
ἐξιτήρια, 379.
Exomis, 434.
ἐξωμοσία, 404.
Expenditure of Athenian State, 436.
Exposure of children, 152; at Sparta, 256; at Athens, 501.

Fathers, rights of, over children, 502.
Feasts in Homer, 59; of Athenians, 442.
Figs, Attic, 527.
Filial duty, neglect of, 520.
Finance-minister at Athens, 419.
Financial system of Athens, 432 *seq.*
Fines and fees at Athens, 451, 489.
Fishing in Heroic age, 68.
Five Hundred, the, at Athens, 336, 371 *seq.*
Five Thousand, the, at Athens, 344.
Fleet, the Athenian, 425, 441.
Flute-players, 249, 504.
Food in Cretan Syssitia, 308.
Foreigners, dislike of, at Sparta, 276; in Crete, 309.
Fortification of Sparta, 294.
Four Hundred, the, at Athens, 344.
—— the, of Solon, 331.
Freedmen in Heroic age, 40; in Sparta, 198; in Athens, 351.
Fruits in Homer, 68.
Funerals in Heroic age, 80; of Spartan kings, 228; public, at Athens, 400.
Furniture in Sparta, 275.

Geleontes in Cyzicus, 129; in Athens, 317.
Gelon, 133, 162.
γένη, 13; in Attica, 317, 320, 364.
Genealogies, 124.
γεννῆται, 365, 405.
Gentes. *See* γένη.
Geomori at Syracuse, 126; at Samos, 126, 171; in Attica, 321.
γέρας, 33.
γέρρα, 382.
Gerontes, in Heroic age, 23 *seq.*; later, 74; in Sparta, 233.
Geronthræ, 202.
Gerousia in general, 136; in Sparta, 220, 230 *seq.*; in Crete, 302.
γνήσιοι in Homeric age, 52; in Attica, 356.
Gnomic poetry, 165.
γνωρίσματα, 502.
Gods, ideas concerning, 110.
Gold in Homer, 70; in Sparta, 293.
Gortyn, 297.
Grain, kinds of, in Homer, 67.
γραμματεῖον (τὸ φρατορικόν), 364.
Grammatistæ, 503.
Granaries, public, at Athens, 427.
γραφή, 479.
—— ἀναυμαχίου, 420.
—— ἀργίας, 498.
—— ἀστρατείου, 421.
—— δειλίας, 421.
—— δεκασμοῦ, 391, 403.
—— δωροδοκίας, 391.
—— ἰδία and δημοσία, 481.
—— κακώσεως, 487.
—— λιποναυτίου, 421.
—— λιποταξίου, 421.
—— μοιχείας, 518.
—— παρανόμων, 360, 384, 388, 480.
—— συκοφαντίας, 490.
—— τοῦ κατεδηδοκέναι τὰ πατρῷα, 498.
—— ὕβρεως, 350.

γραφὴ ψευδοκλητείας, 490.
Grote, G., on race-characteristics in Greece, 87, note; on free labour in early Greece, 102, note; on Arcadian monarchy, 116, note; on division of land in Sparta, 224, note; on Perioeci in Crete, 299, note; on reforms of Solon, 329, note; on straits-dues at Byzantium, 453, note.
γυμνῆτες, 133.
γυναικοκρατία, 268.
Gylippus, 198.
Gymnasia, 105; at Athens, 507.
Gymnasiarchi, 105.
Gymnasiarchy at Athens, 460.
Gymnastæ, 506.
Gymnastic at Athens, 505.
Gymnesii, 133, 172.
Gymnopædia, 264.
Gynæconomi, 149; at Athens, 498, 535.
Gythium, 266.

αἱματία, 272.
Hair, dedication of, 61.
—— mode of wearing among Spartans, 274.
αἱρεῖσθαι, 338.
αἱρεταὶ ἀρχαί, 403.
αἱρετοί, 403.
ἁλία, 234.
Haliartus, 283.
Halicarnassus, 118.
Handicrafts, position of, in Greece, 94; at Sparta, 206; in Crete, 309; at Athens, 528.
Harmodius, 351, 413, 445.
Harmosts, 187, 205.
Harmosyni, 248.
ἡβᾶν ἐπὶ διετές, 359.
Hecatombs, 60.
ἕδνα, 49.
Hegemone, 360.
ἡγεμόνες, 458.
Heiresses, 214, 356.
ἑκτημόριοι, 323.
Heliœa, the, instituted, 332; functions of, 474; defects of, 491.
Heliastæ, 336, 410, 474, 491.
ἑλκεχιτῶνες, 7, 81.
Hellenes, 7.
Hellenotamiæ, 438, 453.
Helots, 132; particulars of, 194 *seq.*
Hemiobolium, 432.
ἡνίοχοι in Thebes, 249.
ἑορταὶ ἐπίθετοι, 498.
ἑορτή, 59.
Heraclea, 134.
Heracleidæ, alleged origin of, 208, 541; migration of, opens historical period, 113; particulars of, 114, 192.
Heralds, 35; at Sparta, 208; at Athens, 430.
ἑρκεῖος Ζεύς, 365.
Hermæa, 508.
Hermes Hegemonius, 428.
Hermoglyphe, 476.
Herodotus, 209.
ἥρως in Homer, 23.
Hestia, 379.
ἑστιάσις, 460.
ἑστιοπάμων, 214.
Hetæræ, 518.
Hetæriæ, political action of, 185, 188; in Crete, 306; at Athens, 363.
ἱερὰ δημοτελῆ, 443.
ἱερῆες, 63.
Hiereis, 129.
ἱερεύειν, 30.
Hiero, 162.
Hieroduli, 134.
Hieromnamones, 138.
ἱεροποιοί, 427, 443, 496.
Hieroscopy, 63.
Hippagretæ, 249.
Hipparchi, 139; at Athens, 412, 425.
Hipparmostes, 283.
Hippeis, Spartan, 249; at Athenian, 329.
Hippias, 277.
Hippobotæ, 126.
Hippocles, 118.
Hippocrates, 162.
Hippodamus, 93.
Hippomenes, 322.
Hippothontis, 369.
Hippotoxotæ, 352; expense of, 441.
Historical period of Greece, 113.
ὁδοποιοί, 415.
Homer, date of, 20.
Homeridæ, 85.
Homicide, view of, in Heroic age, 46; at Athens, 467.
ὅμοιοι, 127; at Sparta, 217, 219, 232, 234, 245; exclusion from, 270, 545.
Hopletes, 129; in Attica, 317.
Hoplites, 146, 422.
Hoplomachy, 257, 511.
ὁπλοθήκη, 442.
Horses, value of, at Athens, 434.
Hospitality of Athens, 353.

Houses, in Homer, 73; at Athens, 434.
Housewife, the Athenian, 514.
ὕβρις, stone of, 468.
ὑδριαφόροι, 354.
Hundred Heroes, 367.
Hunting, 68, 270, 333.
ὑπήκοοι in Crete, 300.
ὑπηρέται as a class of officials, 401.
ὑπερῷϊον, 74.
ὑπογραμματεῖς, 430.
ὑπομείονες, 219.
ὑποφόνια, 471, note.
ὑπωμοσία, 384, 401.
Hyacinthia, 272.
Hyacinthine street at Sparta, 250.
Hybrias of Crete, 299.
Hyksos, 10.
Hylleis, 129, 210; in Crete, 300; origin of, 541.
Hyllus, 297.
Hylon, 138.
Hymeneal song, 51.
Hymettus, 527.
Hyrnethia, 129.
Hyperbolus, 182; ostracism of, 396.
Hypocosmetæ, 509.

Ialysus, 118.
Idomeneus, 296.
ἴλαι, 257.
Impoverishment of Spartan citizens, 293.
Imprisonment at Athens, 486.
Income at Athens, 435.
Inequality of property in Sparta, 293.
Insignia, royal, 33; of magistrates, 409.
Intercalary month at Athens, 377.
Interest, rate of, at Athens, 435.
Intoxication at Sparta, 272.
Ion, 314.
ἴον, 311.
Ionians, extent of, 83; characteristics of, 84 *seq.*, 314.
Iphicrates, 134, 454.
Iphitus, 115.
Iron in Homer, 78.
Isagoras, 335.
Isagoria, 173.
Isocrates, on party struggles, 188; on Sparta, 203, 211, 259, 278; on Athens, 493; on εἰσφορά, 553.
Isonomia, 173.
ἰσοτελεῖς, 354.
Isotimy, 173.
Isthmian games, 444.
ἵστωρ, 48.
Italy, colonies in, 118, 173.

Joint-stock businesses, 362.
Judicature, Athenian, 465 *seq.*
Judicial procedure, in Homer, 28.
—— criminal, 148; at Sparta, 250; at Athens, 331; of Athenian Assembly, 395.
Juno Moneta, temple of, at Rome, 420.
Jury-courts, 148, 179. *See* Heliæa.
Jurisdiction of Spartan kings, 229.
Justice, maintenance of, in Homeric times, 44.

Καινόν, τὸ, 476.
κακογαμίου δίκη, 265.
Κάλλειον, 476.
καλοὶ κἀγαθοί at Sparta, 232, 245; type of, at Athens, 505.
καλύπτρη, 72.
καπηλεία, 95.
κασσίτερος, 77.
κατάκλητοι ἐκκλησίαι, 380.
κατάλογος, 422.
καταπύγων, 510.
κατάστασις, 441.
Kerameis, 369.
κήρυκες, 320.
Kingly title retained for sacrifices, 140.
Kings, Homeric, 23 *seq.*, 29, 31; fall of, 119; at Sparta, 225 *seq.*, 238, 241, 270.
κλᾶροι, 298.
κλειναί, 305.
κλητὴρ νησιωτικός, 482.
κλητῆρες, 482.
κοιμητήρια, 309.
κοινὸν γραμματεῖον, 364.
κωλακρέται, 327, 418.
Kolias, 326.
κολλυβισταί, 530, note.
Kollytos, 369.
κῶμαι, 122, 123.
κοπίδες, 272.
κόροι, 249.
κόσμηταί, 105.
κόσμιοι, 301, 310.
κουρεῶτις ἡμέρα, 364.
κουριδίη ἄλοχος, 50.
κρήδεμνον, 72.
κρήναρχοι, 416.
κρηνοφύλακες, 416.
κρητικόν, 409.
κρυπτεία, 195, 244, 263.

κύρβεις, 329.
κυρία, 487.
κύριαι ἐκκλησίαι, 379.
κύριον τὸ τῆς πολιτείας, 371.
Kydathenæon, 369.

Labdacidæ, 116.
Labourers, free, in Heroic age, 41; in later Greece, 102, note.
Lachares, 538.
Laconia, maritime trade of, 207; geographical characteristics of, 279.
Laertes, 42, 51.
Laias, 115.
Lampadarchia, 460 *seq.*
Lampito (in Ar. Lys.) 263.
Land, possession of, in early Greece, 94; usually restricted to citizens, 100; restrictions on alienation of, 151, 323, note; on accumulation of, 181, 330; importance of, in timocracy, 181; in Sparta, distributions, 212; disposition of, 216; accumulation of, 265, 292; in Lycurgus's legislation, 223 *seq.*; at Athens, standard of Solon's classification, 330; limitation of property in, 330; qualification for office, 405, cf. 339; alleged, for speakers in ecclesia, 383; proposal of Phormisius regarding, 345 *seq.*; prices of, 434; returns from, 435; State lands, 448.
Landholders, difficulties of, in Attica, 323.
Languages, foreign, in Homer, 82.
Larinum, Martiales at, 134.
Laughter, god of, at Sparta, 260.
Laurium, 446 *seq.*, 528.
Law, Attic, traditionary before Draco, 323; disregard of positive law, 481.
Lead, proposed State-monopoly of, at Athens, 454.
Leagues, Achæan and Ætolian, 190.
Legacies to illegitimate children at Athens, 358.
Legislation in Sparta, 235 *seq.*; in Athens, 387; share in, of Nomothetæ, 389.
Legislators, 155 *seq.*
Legislative power in democracy, 176; in ochlocracy, 176.
Leleges, 2, 50; as Helots, 194.
Lemnos, Sintii in, 82; Athenian Hipparch at, 425; wine of, 527.
Lenæa, 413, 428.
Leonidas II., king of Sparta, 227.
Lepton, 433.
Lesbos, wine of, 527.
Leschæ in Heroic age, 72; in general, 93; in Athens, 365.
Leucippidæ, priests of the, in Sparta, 247.
Leuctra, battle of, 195, 206; results of, 204, 252; the ἐνωμοτία at, 281; numbers engaged at, 281.
λῆξις, 483.
Lexiarchi, 381.
ληξιαρχικὸν γραμματεῖον, 368, 381.
Libations in Heroic age, 59, 61 *seq.*; to dead, 64, 65.
Libel, prosecutions for, at Athens, 394.
Liberty, individual, at Athens, 500.
Libya, corn from, 526.
Light-armed troops in Heroic age, 79.
Limitation of term of office in democracy, 179.
Limit of age for franchise, 146; for officials at Athens, 405,
Limnæ, Limnæon, at Sparta, 207.
Lindos in Rhodes, Æsymnetæ at, 166.
Linus, 16, 57.
λιπομαρτυρίου δίκη, 487.
λιποταξίου and λιποναντίου γραφή, 421.
Liquor-sellers slaves, 349.
Liturgies, appointment to, 370; exemption from, 400, 460 *seq.*; include service in cavalry, 425; include Archetheoria, 444; enumeration of, 459 *seq.*; ordinary, 459; extraordinary, 461; incidence of, 464; joint liturgies, 462.
Living, cost of, at Athens, 435.
Loans, public, at Athens, 454; on bottomry, 429.
Local tribes, 129; at Sparta, 211; in Athens, 318 *seq.*
Local judges in Attica, 332, 473.
Lochagi at Sparta, 280; at Athens, 424; pay of, 446.
Lochus in Spartan army, 280; at Athens, 424.
Locrians, 79; monarchy among, 116.
Locri Epizephyrii, assembly at, 137; Cosmopolis at, 142; legislation of Zaleucus, 156.
Lodging-houses, value of, at Athens, 434.
Logistæ in general, 146; board of, at Athens, 407 *seq.*; heralds of, 430; accountability to, of trierarchs, 463; of diætetæ, 473; of Areopagites, 500.
Logographers, 86.
λόγον καὶ εὐθύνας ἐγγράφειν, 470.

Lot, the, in elections, religious aspect of, 146; preferred in oligarchies, *ib.*; in absolute democracies, 176; omitted in Solon's constitution, 333; introduced by Cleisthenes, 336 *seq.*, 548; conduct of, at Athens, 402; objections to, met, 404; priests elected by, 428; officials elected by, 414-418; council elected by, 372.
Lower classes, restrictions on freedom of, 152.
Lower towns, rise of, 122.
Lycaon, 115.
Lyceum, gymnasium at, 442, 507; Epistates of, 509; court at, 476.
Lyctus in Crete, a Laconian colony, 297; its importance, 296; Syssitia at, 397; persistence of old institutions at, 309.
Lycurgus, legislation of, 221 *seq.*; parentage, 221; agrarian legislation of, 224, note; connection with Gerousia, 230; with Popular Assembly, 234; with ephors, 236; military system attributed to him, 279, 282; discipline, survivals of, in Roman period, 295.
—— of Athens, military preparations of, 442; buildings of, 442, 507; services, 507.
—— last king of Sparta, 227.
Lygdamis of Naxos, 160 *seq.*
Lyre, generally learnt by Athenian boys, 504.
Lysander, the Spartan general, 186 *seq.*; a *μόθαξ*, 200; booty sent by him to Sparta, 242; deposit at Delphi, 546; institutes the Thirty Tyrants, 345.
Lysanoridas, 253.
Lysias, character of, 551.

Ma, the Roman Bellona, 134.
Macedonia, aid to Greek States from, 190; exports of, 526.
Machanidas, tyrant of Sparta, 227.
Mæonians, 2.
μάγειροι at Sparta, 250, note.
Magna Græcia, Pythagoreans in, 167; Æsymnetæ in, 169; democracy in, 193.
Magnesia in Sipylus, 145.
—— *ἵππεῖς* at, 126.
Magnetes Pericœci in Thessaly, 300.
Malians, tribes of, 130; franchise among, 138.
Μάντεις in Heroic age, 62 *seq.*
Mantinea, Demiurgi at, 142; democracy in, 171; town destroyed and rebuilt, 171.
—— battle of (Spartan army at), 281.
Manufactures of Miletus and Phrygia, 526; of Attica, 527-8.
Manumissions of slaves in Athens, 351.
Marathon a member of the Attic tetrapolis, 313; political results of battle of, 338; commemoration of, 443.
Mariandyni, 134.
Maritime trade of Attica, 312, 342, 528 *seq.*
Marines, Spartan, 198, 287; Athenian, 354.
Market dues, 449.
Marriage, in Heroic age, 48 *seq.*; limited by *ἐπιγαμία*, 101, 356, 515; rare between privileged and non-privileged classes, 101; at Sparta, under supervision of ephors, 243 *seq.*; restrictions on, 253, 264; when compulsory, 264, cf. 253; in Crete, 306; at Athens, 354, 364, 515 *seq.*; religious character of, 515; a qualification of Strategi at Athens, 405; alleged qualification of speakers in assembly, 383.
Marriage-feast in Homeric age, 51; at Athens (in the Phratria), 516.
Marriage-contract necessary at Athens, 356.
μαρτυρίαι, depositions, 484.
Massilia, legislative council at, 137, 138.
Mastigophori at Sparta, 255.
Material conditions of Greek State, 95.
Matton, 250.
Measures, tested by Agoranomi, 416; standards kept in shrine of *Στεφανηφόρος*, 400.
Mechanical labour, not despised in Homeric Greece, 43; position of, in later Greece, 152 *seq.*
Mediation between factions, 126.
Medimnus, capacity of, 329, note; various values of, 433.
Medon, Medontidæ, 322.
Megabazus, 292.
Megara, Synarchiæ at, 140; annual kings at, 141; tyranny at, 160; ochlocracy at, 170, note; remission of debts at, 181.
Megaron, 73.
μειλία, 49.
Μεῖζον (the court), 476.
Melanchrus, tyrant of Mytilene, 157.

Melanthus (Nelide king of Attica), 316.
Μελλείρενες in Sparta, 263.
Meltas, 114.
Membership of Athenian Council (term of), 137.
Mende, 171, 527.
Menedemus legislates for Pyrrha, 169, note.
Μήνυσις, 395.
Mercenaries used by tyrants, 163; after Peloponnesian war, 189; Cretan, 309; increase of, in later Athens, 347, 420.
Μέρη, 423.
Meriones in Homer, an under king, 29; serves as charioteer and therapon, 36.
Meriones, an early king of Crete, 296.
Μεσίδιος ἄρχων, in Thessaly, 157.
Mesoa, a quarter of Sparta, 207.
Μεσοδόμα at Sparta, 268.
Mesogæa in Attica, 319.
Μέσον (the court), 476.
Messene (Synarchiæ in), 140.
Messenia, under Pelopid kings, 113; early revolutions in, 120; traditional conquest of, by Dorians, 190; conquest of, by Sparta, 194, 224, 288; did not really exist at Dorian invasion, 192; Helots in, 194; separated from Sparta after battle of Leuctra, 195, 292.
Messenian Dorians, admitted to Spartan citizenship, 289.
Messes, public, of magistrates, 147. *See* Syssitia.
Μεταναστης, 39.
Μήτε νεῖν μήτε γράμματα, 511.
Metiochus, court of, 476.
Metœci, in Homeric age, 39; enfranchisement of, 186; none at Sparta, 276; numbers of, in Attica, 312, 353; enfranchisement by Cleisthenes, 336; punishments of, 348, 353; restrictions on, 353; dues, 354, 449; duties, 354; serve in fleet, 422; garrison duty of, 424; symmoriæ of, 458; trapezitæ among, 531; privileged class of, 354.
Metretæ, 329.
Metretes of wine, values of, 433.
Metronomi, 416, 420.
Μητρῷον, the, at Athens, 385.
Midea, depopulation of, 172.
Migrations into Attica, 313.
Miletus, Prytanes at, in Roman period, 142; tyranny at, 160; woollen manufacture at, 526.
Military service, in Homeric age, 29; in early historical period, 95; decline of, after Persian war, 189; a qualification for the franchise, 146; in Sparta, 279; at Athens, under Solon's constitution, 330; exemption from, 423 *seq.*, 531.
—— system of Sparta, 278 *seq.*; officials of, at Athens, 420 *seq.*; expenses of, at Athens, 440 *seq.*
Mina, value of, 432.
Mines at Athens, slave-workers in, 349; breach of regulations of (προβολὴ regarding), 392.
Minoa, 299, note.
Minos, 113; meaning and origin of name, 296; quantity of ι in, 298.
Minstrelsy in Homeric age, 54 *seq.*
Mint of Athens, workers in, 352; situation of, 419.
Minyæ in Orchomenus, 129; in Laconia, 193; in Crete, 297.
Minyas, treasure-house of, at Orchomenus, 8.
Mithridates of Pontus, alliance of Cretans with, 310.
Mixed constitutions, 98.
Μνᾶ, Semitic derivation of, 98.
Mnemones, 138.
Mnoitæ, 213, 298; artisans among, 309.
μοιχείας γραφή, 518.
Monarchy, defined, 97; limited in Greece, 97 *seq.*; in Homeric age, 22; religious functions attached to, 30; endowments of, in Homeric age, 32; universal in Greece at Dorian migration, 114; particulars of, 114 *seq.*; decline of, 119; revenues on abolition of, 147; title retained, 149; long continuance of, at Argos, 114; in Attica, 316 *seq.*; archonship, a form of, 322; in Sparta, 225 *seq.*; limited by Lycurgus, 225; check on by ephors, 237.
Money, Spartan, 275; restrictions regarding, at Sparta, 275, 291; not forbidden to kings, 291; deposits of, at Delphi and elsewhere, 291, 546; Athenian, 432 *seq.*; variations in value of, 433 *seq.*
Months, the Attic, 376.
Mora, in Spartan army, 280 *seq.*, 545; cavalry attached to, 283.
Morality, traditional in early Greece, 44; connection with Greek religion, 109.

Morals, censorship of, 149-150; how supplied in Athens, 520; by Areopagus, 332, 334, 498.
μορίαι, 448, 499.
Mosaic view of bloodshed that of later Greek law, 45.
Motions in Assembly, 177; at Sparta, 235.
Mothakes, in Sparta, 200, 208, 219; military service of, 284.
Mountebanks at Athens, supervision of, 415.
Müller, K. O., on meaning of the name Achæan, 7, note; on Phœnicians in early Greece, 12, note; on land-distribution in Sparta, 213, note; on origin of Helots, 194; on Gerousia, 231; on the Pyrphorus, 247; on trades in Sparta, 250 note; on exile, as a punishment in Sparta, 254; on Eurysthidæ, 544; on φιδίτια, 545.
Munychia, Macedonian garrison in, 535, 538, 539.
Murder, in Homeric age, 45 *seq.*; trial of, in Attica, 321; change in procedure by Draco, 324; by Solon, 332; impurity of murderer, 467; form of trial of, 465 *seq.*
Musæa, 508.
Muses, sacrificed to, by Spartans before a battle, 285.
Museum, garrison in, 538, 539.
Music, difference of Dorian and Ionian, 85; in education, 107, 503, 504; compulsory instruction in, at Sparta, 259; Spartan conservation in, 259; Cretan, 304.
Musicians, position of, at Athens, 504.
Mycenæ, walls of, 8; smallness of, 121; Pericœci at, 131; depopulation of, 172.
Myrmidones, 39; mourners at Achilles' funeral, 80.
Mysian origin of Trojans, 19.
Mythology, 9; much derived from Asia, 10.
Mytilene, Prytany at, 141; Penthelidæ at, 154; Pittacus, 156; oligarchy at, in Peloponnesian war, 170.

Nabis, despot of Sparta, 227.
Nauarchi in general, 139; at Sparta, 247, 287; at Athens, 426, 441.
Naucleidas, 243.
Naucrari, Naucrariæ, in Attica, 325 *seq.*; rates in, 330; disappear under Solon, 331; subdivisions of early Attic Phylæ, 325; of Cleisthenes' Phylæ, 336, 370 *seq.*; replaced by trierarchy, 461.
Naupactus, Theori at, 145.
Nausinicus, archonship of, 457.
Nausithous, founder of city of Phæacians, 37.
ναυτικοῦ (τοῦ) ἐπιστάτης, 426.
Nautical pursuits, democratic influence of, 170.
Nautodicæ at Athens, 474.
Navy of Spartans, 286; difficulty of maintaining, 290; of Athens, rise of, 326; manned by θῆτες, 331; under supervision of Council, 373, 374; control of Assembly over, 397; management of, 426 *seq.*; ships in permanent employment, 441; pay of, 441 *seq.*, 446; strength of, 442.
Naxos, tyranny at, 160.
Neith, supposed identical with Athene, 14.
νεκρομαντεία, 64.
Nelidæ, 115; in Attica, 116, 121, 316; kingdom of, in Peloponnesus, 192; overthrow of, 192, 316.
Neodamodes, 198 *seq.*; in Spartan military system, 284.
Neoria, epimeletæ of, 426, 463; permanent, 442.
Neutrality, personal, punished by Solon, 334.
Nicias, slaves of, 349; his evasion of ostracism, 396.
Nicomachus, alleged ἀναγραφὴ νόμων by, 550 *seq.*
Nicomenes, 358, note.
Niebuhr, censure of Plato, 111; theory of mode of voting in Athens, 176, note; on Phœnicians in early Greece, 13, note; on the lot at Athens, 337.
Nireus, 121.
Nobility in Homeric age, 22 *seq.*; relation to king, 23; participation of, in labour, 42; tyrants from, 159 *seq.*; in Crete, 301; in Attica, 320 *seq.*; attack on, 327; checked by Cleisthenes' tribal division, 336.
Νόμοι distinct from πολιτεία, 97.
Nomophylaces, 137; in Corcyra, 144; political character uncertain, 173; at Sparta, 248; at Athens, instituted, 342; abolished, 346; unimportance of, 497; in Plato's laws, 391; of Demetrius, 535.

Nomothesia at Athens, instituted by Solon, 335, cf. 384, 389, 480.
Nomothetæ at Athens, a check on the Ecclesia, 384; the real legislators, 387; nomination, 387; procedure before, 388; deal with new worships and festivals, 399; like a Heliastic court, 491; commission of, appointed by the Thirty, 550.
νοθεῖα, in Homer, 53; at Athens, 358.
νόθοι, in Homer, 53; at Athens, 357, *seq.*; 515.
Northern nations, Aristotle's view of, 103.
Numeniastæ, 362.
Νυμφευτρία at Sparta, 266.
Nurses, Laconian, celebrated, 257.

Oath of allegiance at Athens, 359 *seq.*; of Bouleutæ, 373; of archons and strategi, 409; of archons, terms of, 413; of the Heliastæ, 475, 476; was probably taken by all higher magistrates, 409.
Obæ, 211; in legislation of Lycurgus, 223; supposed number and representation in Gerousia, 231.
Objections to voting in Ecclesia, mode of raising, 384.
Obligation to military service, in Homeric age, 29.
Obol, value of, 432.
Obsequies of Achilles and Hector, 79, 80.
Ochlocracy, 99; term first used by Polybius, 99, note; introduction of, 175; definition, 175; "*ὁμολογουμένη ἄνοια*," 176; difference from democracy, 176; citizenship in, 186.
Ochre, Attic trade in, 528.
Octades at Corinth, 129, note.
Octodrachmon (the coin), 432.
Odeum, the, used as a court, 477.
ὀδοποιοί at Athens, 415.
Œdipus, legend of, 50.
Œneus, 57.
Œnoe, 313.
Offerings, religious, in Homeric age, 58 *seq.*
Office, unpaid in Greek states, 147; at Athens, limited access to, under Solon's constitution, 331; change under Aristides, 338 *seq.*; Platæan rights not sufficient for, 355; election to, 390 *seq.*
Official badges, of Bouleutæ at Athens, 373; of orators in Heroic assembly, 26; in Athenian assembly, 383; of magistrates, 409.
Official residence of archons, 411 *seq.*; of Polemarch, 552.
Officials in Greek states, classification of, 138, *seq.*; in democracies, 178 *seq.*; 400; associated in boards, in democracy, 179; in Athens, 400 *seq.*; increase of, under Cleisthenes, 336; how far supervised by Areopagus, 497; checks on, by Assembly, 391 *seq.*; Dokmasia of, 406; Euthyne of, 407.
Ogyges, 115.
οἰκῆες, a term for slaves in Homer, 40.
οἶκοι, subdivisions of gentes, 131.
οἰκογενεῖς, οἰκοτραφεῖς, οἰκοτρίβες, 348.
Oil, export of, from Athens, 527.
Oinopes at Cyzicus, 129.
Ointments forbidden in Sparta, 274.
οἰωνοπόλος, οἰωνίστης, 63.
Oligarchy defined, 98; in general, 124 *seq.*; legislative body in, 136; fall of, promoted by extension of judicial functions, 148; moral supremacy of ruling class in, 149; decline of, 154 *seq.*; hostility of tyrants to, 162; at Corinth, restored after fall of tyranny, 170, note; at Megara, 170, note; in Peloponnesian war, 186; occasionally supported by Athens, 186; overthrow of, after Peloponnesian war, 187; oath of, 188; tendency to, in Sparta, 216, 233; revival of, at Athens, 343 *seq.*; punishment of adherents of, 360; a feature of all ancient democracy, 347.
Ὀλίγοι, οἱ, 185.
Olive-leaves used in voting at Athens, 373.
Olive-trees, sacred, at Athens, 448, 499.
Olive-wreaths as rewards, 445.
Olives a staple of Attica, 312.
ὀνειροπόλος, 63.
Onomacritus, 15, 166.
ὀψιγαμίου δίκη, 265, note.
ὀψοποιοί at Sparta, 250, note.
Opus, monarchy at, 116.
Oracles, rarely alluded to in Homer, 64; oracle at Dodona, 64; at Delphi, 64, 240, 246; at Olympia, 240.
Orators, professional, at Athens, 486.
Orchomenus, kings at, 115; decay of, 122; *ἵππεῖς* at, 126, 172; Ephors at, 143; destroyed by Thebans, 172.

Order, breaches of, in Ecclesia, 383.
Orgeones at Athens, 365.
Oriental character, Aristotle on, 103.
Oriental origin of Greek culture, 14, 15.
Ornea, Perioeci at, 132; depopulation of, 172.
Oropus, 533.
Orphans, in Cretan Syssitia, 308; of those killed in war at Athens, 440; exempted from Liturgies at Athens, 461.
Orpheus, 15; post-Homeric, 56.
Orthagoras, tyrant of Sicyon, 159; word digammated, 545.
Orygma, the, at Athens, 488.
Ostracism, 182; in Athens, introduced by Cleisthenes, 338; voting in, 385, 395 *seq.*
οὐλαμός of cavalry at Sparta, 283.
οὐσία φανερά, 180.
Overlords, Homeric kings as, 29; in Peloponnesus, 192.
Over-population not a danger in ancient States, 440.
Oxen, measure of value in Homeric age, 66; used for tillage, 67.
Oxylus, 115.

Πάχέες, the, in Eubœa, 126.
Pæan, 56.
Pædagogi, 505, 508.
Pæderastia tolerated as a check on population, 104, 151; at Sparta, 261; in Crete, 304 *seq.*; at Athens, 510.
Pædonomi, 105, 149; at Sparta, 248, 257; supervision of women, 262; mastigophori, their subordinates at Sparta, 255; in Crete, 302 *seq.*
Pædotribæ at Athens, 505 *seq.*
Pagus derived from *pango*, 65, note.
Palaces, Homeric, 73.
Palæstræ at Athens, 505 *seq.*; the moral dangers of, 510.
Palladium, tribunal in the, 465; functions of, 468, 469.
Παμβασιλεία, 107, note.
Pamphus, 56.
Pamphyli at Sicyon, 129; the Dorian tribe, 210.
Pamphylus, 210.
Panætius, tyrant of Leontini, 161.
Panathenaic festival, archons judges in, 412; expenses of, 443.
Panathenaic oration of Isocrates, 212, 493.
Panathenaic stadium at Athens, built by Lycurgus, 442.
Pancration forbidden in Sparta, 257.
Panegyris at Delos, Theoria to, 444.
Pantaleon, 115.
Paphlagonia, slaves from, 348.
Παραβάται, 249, note.
Παραβόλιον, 473.
Parabystum, court at the, 476.
Paracatabole, 484.
Paralia, a division of Attica, 316; how far the seat of the Argades, 319.
Parali, the moderate party in Solon's time, 328; a Malian tribe, 130.
Paralian trireme (ἡ Πάραλος), 441.
παρανόμων γραφή, 360, 384, 480.
Parasiti, term applied to government clerks, 147.
παράστασις, 472, 484.
παραστάται at Athens, 431.
πάρεδροι or assessors, 413.
Parmenides of Elea, political activity of, 168.
Parnassus, 5.
Parnes, seat of the Ægicores, 318.
Parsley, 68.
Parthenii, 201.
Partition of kingdom in Heroic age, 31.
Party struggles in Greek states, 111 *seq.*, 184 *seq.*; in Crete, 310; avoided by the lot in Athens, 337.
Pasiphaë, temple of, at Sparta, 240.
Patroclus therapon of Achilles, 36; his killing a playmate, 47; funeral of, 79.
Patronomi at Sparta, 294.
Patrons of freedmen at Athens, 352; of metœci, 353.
Πατρῷος Apollo, 362, 405; how far πατρῷος of new citizens, 405.
Pausanias king of Sparta in Peloponnesian war, 186; favours of Athenian democracy, 345.
—— regent of Sparta in Persian war, 196, 291.
Payment of officials confined to inferior posts, 147, 402, 436; of voters in unlimited democracy, 177; at Athens, introduced by Pericles, 340; amount, 437; of Council, 372, 437; of jurymen at Athens, 333, 437; of public slaves, 436; of various officials, 436; of army at Athens, 446; of navy, 442.
Pebbles in voting, 378.
Peculation possible to Athenian officials, 402.

Peculium of slaves, in Heroic age, 40; in Athens, 351.
Pecuniary rewards for public services at Athens, 445.
Πέδιλα, 72.
Pedion of Attica, seat of the Argades, 319.
πέλανοι, 275.
Pelasgi, derivations of name, 3, 4, and notes; application of name, 4; in Homer, 5; include Achæans and Ionians, 7; how far opposed to the Hellenes, 7; in Crete, 39, 296; alleged as evidence against Ionic origin of Athenians, 546.
Πελασγικὸν Ἄργος, 5; subjects of Peleus in, bear three names, 39.
Peleus, king of Hellenes in Phthiotis, 5, 39.
Pellene, 213.
Pelopidæ, mythical gens of, 114; overthrown by Dorians, 114; in Achaia, 115.
Peloponnesian war, 290.
Peloponnesus, division of, at Dorian invasion, 192; population of, 193.
Pelops an Ionian, 547.
Penal law at Sparta, 252; at Athens, 488.
Penestæ in Thessaly, 132; wealth of, 196; alleged derivation of name, 298, note.
Pentacosiomedimni, 329; assessment of, in the Eisphora, 454.
Pentadarchi, 424; of cavalry, 425.
Pentades, subdivisions of Lochi at Athens, 424; of cavalry, 425.
πεντηκοστολόγοι, 452.
Pentekosters, 247, 280.
Pentelicon, marble of, 528.
Penthilidæ, gens of, at Mytilene, 124.
Peopling of Greece, 547.
Πέπλος, a frequent offering, 61; part of women's dress in Heroic age, 72.
Pergamus, Prytanes at, 142.
Periander, 160, 163, note.
Pericles introduces payment of voters and Heliastæ, 340; of Council, 372; power of, 342; character of his rule, 524; view of Athenian character, 500, 523.
Perioeci in general, 131; at Argos, 131; συνοικισμὸς of, 172; in Thessaly, 132, 300; in Crete, 299 *seq.*; Cretan artists Perioeci, 304; in Sparta, 194, 199, 201 *seq.*; distribution of land of, 213, 224; at funerals of kings, 228; connection with kings, 230; jurisdiction of Ephors over, 244; magistrates of, 248; cooks and flute-players, gentes of, 249; permitted to use gold and silver, 275, 291; in Spartan army, 281, 282; at battle of Platæa, 206; in cavalry, 283; as engineers, 284; in navy, 286, 287; admission of, to citizenship, 294; proposal of Cleomenes regarding, 294; Eleutherolacones, 295.
Peripoli, Peripolia, 360, 369, 423.
περιστίαρχος, 382.
Perrhœbi, 300.
Persian aid to Greek states, 190; relations with Sparta, 290 *seq.*; wars, the Polemarch in, 420; effect of, on Athenian constitution, 338.
Petalismus, 182, note.
Petilea, Demiurgi at, 143.
Phæacians, 25.
φαινομηρίδες, 263, note.
Phaleas, proposal of, regarding dowries, 104.
Phalaris of Agrigentum, seizes tyranny, 162.
Phalereus, Demetrius, 235 *seq.*
Phalerum, perhaps one of Attic Dodecapolis, 320; sardines of, 527.
φανερὰ οὐσία, 180.
φᾶρος, 71, 72.
Phasis, 478.
Pheidon of Argos, 18; regarded as a tyrant, 158.
Pheidon, legislator of Corinth, 151.
φήμη, prophetic word, 63.
Phemius, 55.
Pheræ, in Messenia, 202.
Pherecydes of Syros, 17; at Sparta, 276.
φέρνη, dowry, not used in Homer, 49.
φιδίτια, "sittings," 271, cf. 545.
φιλήτωρ (in Crete), 305.
Philip of Macedon, letter to Demiurgi of Peloponnesian States, 143.
Philistines alleged to be the original Pelasgi, 4.
Philolaus the Bacchiad, laws of, 151.
Philonomus of Amyclæ, 193.
Philosophy, Ionian and Dorian, 86.
Phlius under Temenidæ, 114, cf. 171.
Φόβος, altar of, at Sparta, 260, note.
Phocæa, Prytanes at, 142.
Phocis, monarchy in, 116.

Phœnician influence in early Greece, 10; after foundation of Greek colonies, 12; commerce with Greece, 69; how far reciprocal, 43; myths, 13; settlements, in Greece, Ægean, Cyprus, 10; in Crete, 10, 296; in Bœotia, 13, note; warships, 11.
Phœnician origin of Minos, 11, 296, note.
Phœnix, regent under Peleus, 32; refrains from slaying his father, 47; his hatred of his father, 51; instructor of Achilles, 54.
Φοινικιοῦν, τὸ (the court), 476.
Φονικαὶ δίκαι, 411.
Phorminx, 55.
Phormio legislates for Elis, 169, note.
Phormisius, proposal of, to restrict the franchise, 345, 525.
Φωρᾶν λιμήν, 451.
Φρατρίαρχοι in Attica, 321, 364.
Φρατορικὸν γραμματεῖον, 364.
Phratriæ, universal, 128; in Homeric age, 38, 39; in Attica, 317, 363 *seq.*; Platæans in, 355.
Phreatto, tribunal in, 465.
Φρεώρυχοι, 320.
Φρουρά, 279.
Phrygians related to Greeks, 2.
Phrygia, slaves from, 348; metœci from, 353; woollen manufactures of, 526.
Phrynis of Lesbos, 243, 276.
Phthia, 5.
Φυλοβασιλεῖς in Attica, 321, 327, 366, note; in murder trials, 470.
Phylæ in Homeric age, 38, 39; universal in Greek states, 128; at Sicyon, 128; at Argos, Corinth, Cyzicus, 129; at Samos, Ephesus, Teos, 130; distinction of gentile and local, 131; Dorian, 211; at Sparta, 211; in legislation of Lycurgus, 223 *seq.*; in early Attica, 317; of Cleisthenes, 336, 369 *seq.*; alleged voting by, in ostracism, 176; of Cleisthenes, 336, 369 *seq.*; boards corresponding with, 336; those elected by, are called *αἱρετοί*, 403; Euthyni and Logistæ elected from, 407; in election of archons, 410; in military system, 424, 425; increased to twelve by Demetrius Phalereus, 537.
Phylarchi at Athens, elections of, 412; of cavalry, 424.
Physicians, public, at Athens, 436.
πίναξ ἐκκλησιαστικός, 368.
Piracy in early Greece, 43, 93; of Cretans, 310.
Piræus, buildings in, by Hippodamus, 93; meeting of Council in, 376; of Ecclesia in, 380; Astynomi of, 415; Agoranomi of, 416; Metronomi of, 416; Sitophylaces, 416; Macedonian garrison in, 539.
Pisatis, monarchy in, 115.
Pisistratus, 335; poor-law of, 439.
Pitana at Sparta, 207.
πίθοι, 57.
Pittacus, 156 *seq.*
Places of Bouleutæ in Assembly, at feasts, and in theatre, 373.
Plato, Atlantis of, 14; view of contemporary politics, 110; view of Sparta, 278; of Crete, 302, 309; of Athens, 500; objections to tragedy, 522; trades in oil, 527; asked to legislate for Megalopolis, 169; his view of Geleontes and Hopletes in Attica, 319, note.
Pleistoanax, king of Sparta, banished, 253 *seq.*
Plethrum, amount of, 434.
Plothia in Attica, 320.
Pluralism forbidden to officials, 146, 436.
Plutocracy first in commercial states, 152.
Pnyx, the, 380.
Poetry, Dorian and Ionian compared, 85 *seq.*; early epic, 54 *seq.*; reflective, rise of, 165; in Sparta, 277; in education, at Athens, 503.
Poithii, 246.
πόλεις in Homeric age, 68 *seq.*, 121; how distinguished from *κῶμαι*, 123.
Polemarchus, war-minister, 139; supreme magistrate, 145; at Sparta, 229, 247, 272, 282, 545; at Athens, institution of, 322; functions of, 411, 413; loss of military functions, 420; official residence, 552.
Poletæ at Athens, 374, 417; superintend Architecton, 426; criminals sold by, 489.
Police-functionaries at Athens, 415 *seq.*
Policy of Sparta, 287 *seq.*, 290.
Poliorcetes, Demetrius, conquers Athens, 547.
πολιτεία (constitution in general), 97.
—— (citizenship), 219.
—— (moderate democracy), 99.
πολῖται, origin of, 122.
Political clubs at Athens, 363.

Political development of Greek states, general course of, 113.
Political theory of Aristotle, 89.
Politophylaces at Larissa, 144.
Poll-taxes at Athens, 448.
Polyænus, possible clew to origin of Spartan monarchy given by, 543 *seq.*
Polyandry approached in Sparta, 267.
Polycrates of Samos, 161.
Polydamas, 27.
Polydectes, 33.
Polydorus, king of Sparta, 208, 213, 224, 236, 246, 288.
Polygamy, only one instance of, in Homer, 50.
Pomegranate, known to Homer, 66.
Pontus Euxinus, recent formation of, 2; exports from, 526, 527.
Poor-relief at Athens, 439 *seq.*
Populace, the, in Heroic assembly, 27.
Population, checks on, in Greece, 104, 151.
—— of Attica, 312; a mixture, 313; under Demetrius, 536.
Popular Assembly. *See* Assembly, Ecclesia.
πορισταί at Athens, 410.
πορνικὸν τέλος, 449.
Poseidonia in Helicon, 57, note.
Posthumous children in Sparta, 256.
Potidæa, Epidemiurgi at, 143; revolt of, 171; cost of siege of, 446.
Powers of government threefold in Greek states, 96.
Practores at Athens, 417; collect fines, 489.
Pramnean wine, 61.
Prayer, view of, in Homer, 61.
Precious metals in antiquity, 28.
πρείγιστοι ἐπ' εὐνομίας in Crete, 302.
—— *τῆς βουλῆς*, 302, note.
Presents to king in Heroic age, 33; of suitors, 554.
Presidency in Athenian assembly, 382.
Prices at Athens, 433 *seq.*
Priene, Bias of, 166.
Priests in Heroic age, 36 *seq.*; qualifications, 38; priestly families, 38; at Sparta, 246; at Athens, 427 *seq.*
Priestesses at Sparta, 247.
Priesthoods of Spartan kings, 227; hereditary at Athens, 428.
Principle of democracy, 173.
Prison at Athens under supervision of eleven, 414; slave attendants in, 431.
Prisoners of war enslaved, 348.
Private conduct, supervision of, 108.
Privateering, companies for, at Athens, 361; right of, granted by Assembly, 398.
Private law at Sparta, 252.
—— suits at Sparta, jurisdiction in, 250; at Athens, 477, 482.
Privileged class, tendency of, 322.
—— class of metœci, 354.
—— gentes in Crete, 301.
Prize court at Athens, 398.
Prizes at Athenian games, 444; reduced in value by Solon, 506.
προβολή at Athens, 391 *seq.*
προβούλευμα at Athens, 374, 375, 382, 384.
Probouleutic authority in moderate democracy, 177; appointment of, 178; in Athens, 331, 372 *seq.*
Processions at feasts, 443.
Procles, 208.
Prodicus of Ceos, 512.
προδικασία, 467.
πρόδικος at Sparta, 226.
Proedri in Council at Athens, 377; in Assembly, 382, 384; nominate Nomothetæ, 388; preside at elections, 390.
Profit, rate of, at Athens, 436.
Programme of business in Ecclesia, 381; in Council, 377.
Prohibited degrees of affinity, not referred to in Homer, 50; at Athens, 356.
προῖξ, dowry, not in Homer, 49.
προκαταβολή, 451.
προκλῆσις εἰς βάσανον, 485.
Proletariate avoided in Greece, 107; absent in Athens, 440.
Prometretæ at Athens, 416.
Procemia of Stobæus, 156.
Property qualification in democracy, 174; removal of, at Athens, by Aristides, 338.
Property classes of Solon, 329; service in cavalry, 425.
Propylæa, cost of, 442.
προρρῆσις, 467.
Prose-writing confined to Ionians, 86.
προσκατάβλημα, 449.
πρόσοδον γράφεσθαι, 377, note.
Προστάτης τοῦ δήμου, 173.
Προστάτης (patron) 352, 353; of Erani, 362.
Prostitution at Athens, 519.
Protagoras legislates for Thurii, 168.

Πρωτεῖραι, 264.
Protocosmus in Crete, 301.
Proxeni at Sparta, 247.
Prytaneia, court fees, 484, 554.
Prytanes in Miletus, 117; in Ephesus and Ialysus, 118; as religious functionaries, 139, 142; open to women, 145; derivation of term, 141; denoting supreme magistrates, 141; various places at which it occurs, 141 *seq.*; of the Naucrari at Athens, 142, 325; in the Athenian Council, 142, 376; convoke Ecclesia, 380; preside in Ecclesia, 382, 384; at elections, 390; in connection with προβολή, 392; as name of presidents of boards, 408; Prytanes of Poletæ, 417.
Prytanies, assemblies in, 379; epicheirotonia in each, 408; accounts due in each, 408; distributions to poor in, 440; increase of number, 537.
Prytaneum, two in Athens, 377; entertainment in, 398, 445; magistrates dine in, 409.
Prytanis, father of Lycurgus, 223.
Psephisma, form of, 386.
ψευδοκλητείας γραφή, 490.
ψευδομαρτυρίας δίκη, 490.
Ptolemais, the tribune, 441.
Ptolemy, gymnasium of, 507.
Public buildings in Sparta, 278.
—— banquets at festivals, 443.
—— causes, conception of, at Athens, 477; procedure in, 481 *seq.*
—— dining-clubs, 25, 362.
—— discipline in general, 104 *seq.*; neglected in oligarchy, 149; in Sparta, 225 *seq.*; in Crete, 392 *seq.*; at Athens, under Areopagus, 332 *seq.*; account of, 500 *seq.*
—— messes, at Athens, of Council, 377; of officials, 409; treasury of, under Colacretæ, 418; of Strategi, 421; admission of subordinates to, 429 *seq.*; admission to, as a reward, 445.
—— prosecutions, ἀτιμία of prosecutors when unsuccessful, 360.
—— works, cost of, at Athens, 442.
Punishments of Draco excessive, 324; inflicted by Athenian Council, 375; for bribery, 391; appeal from, at Athens, 410; in criminal causes at Athens, 488.
πύργοι at Teos, 130.
Purifications in Homeric age, 58 *seq.*; of homicides at Athens, 470.
Purple in Homer, 33.
πυλωροί of Acropolis, 431.
Pylos, defence of, 283; kingdom of, 192.
Pyrphorus at Sparta, 246, 284.
Pyrrhic dance, 257.
Pythagoras, 167.
Pytho = Delphi, 64.
Pythocles, proposal of, 454.
Pythii, inferior Spartan officials, 246.

Race-distinctions, not marked in Homeric poems, 81; in early historical period, 83 *seq.*; modified by surroundings, 86.
Raids, common in Heroic age, 76.
Rate of interest at Athens, 435.
Reactionary party in democracies, 184.
Reading not learnt at Sparta, 259; at Athens, 503.
Regency at Sparta, 226.
Registers, Lexiarchic, 368, 381; of Phratriæ, 363; of persons liable to military service, 422.
Registration of voters customary in moderate democracy, 173, 180.
—— of birth of children at Athens, 363.
Regulators, title of Cretan magistrates, 301.
Religion, in Homeric age, 36, 56 *seq.*; in Greek State, 109; at Athens under protection of the Areopagus, 497.
Religious basis of Phratriæ, 363 *seq.*; of demes, 367.
—— functions of monarchy, 140.
—— service, before meetings of Ecclesia, 382; in law-courts, 486.
—— questions, when dealt with in Ecclesia, 387.
Remission of debts at Athens, 328 *seq.*
—— of sentences, time of moving for, in Ecclesia, 387.
Removal of dangerous persons frequent, 182. *See* Ostracism, Petalism.
Republican tendency in early Greece, 88.
Repudiation of children, 502.
Reserve fund of Athens, 447.
—— men elected to office at Athens, 373.
Resolutions of Council, 374.
Retail trade in hands of slaves, 349; objected to in oligarchies at Athens, 541.
Revenues of Athens, 446 *seq.*

Revision of civic registers, 369.
Rhadamanthys, mythical legislator of Crete, 165.
Rhegium, assembly at, 137; tyranny at, 161.
Rhetoricians, in education, 167.
Rhetræ of Lycurgus, 210, 222 *seq.*, 274, 541.
Rhodes, Prytanes in, 141; oligarchy in, 171, 187; secession of, to Sparta, 171.
Rhodians, three tribes of, in Homer, 39 *seq.*
Ritual at marriages in Sparta, 266.
Robbery, view of, in early Greece, 44 *seq.*
Running, in Cretan education, 303.

Sacerdotal monarchy, doubtful traces of, in early Greece, 31; at Delphi, 142; at Sparta, 227.
Sacrifice, in Homeric age, 30, 57. *seq.*; mode of, 60; bloodless sacrifices, 61; of kings in Sparta, 227; in war at Sparta, 284-5; in Crete, 305; in Athens, on registration in Phratria, 364; of Prytanes, 374, 379; of council, 379; on taking office, 409; extent of, 443.
Sailors frequently slaves at Athens, 349.
Salamis, political results of battle of, 338.
Salaminia (the trireme), 441.
Salaries of Athenian officials, 436.
Sale of taxes at Athens, 450.
Sales at Athens proclaimed by heralds, 431.
Samos, Ionian, 83; aqueducts at, 93; kings at, 118; restrictions on *jus connubii* at, 153; tyranny at, 160; Polycrates, 161; oligarchy at, 171, 188; Athenian army at, 344; cost of Pericles' expedition against, 447; left to Athenians by Philip, 533.
Sandals, Spartan, 273.
Sanscrit derivation of word Pelasgi, 4.
Sarpedon, 32.
Sceptre in Heroic age, 34.
Scheria, division of kingdom in, 24; place of assembly in, 26.
Schesia, a tribe at Ephesus, 130.
Schools, not public in Greece, 105; at Athens, 503.
Scias, the, at Sparta, 234.
Scione, 171; wine exported from, 527.
Sciritæ at Sparta, 285; a special corps, 203.
Scirophidas, 243.
Sciros, inhabited by Arcadians, 203.
Scopadæ, 117.
Scrutiny of officials at Athens, 403 *seq.* *See* Dokimasia.
Scyllis, the Cretan artist, 304.
Scytale, 246.
Scytalismus, the, at Argos, 188.
Scythæ, corps of, at Athens, 352, 376.
Sea, intercourse by, in Heroic age, 69; from Attica, 526 *seq.*
Secretaries to Council at Athens, 378; of various boards, 429; of the Eleven, 414; to archons, 552; sometimes ranked as ὑπηρέται, 401.
Seduction, punishment of, at Athens, 502.
Seers in Homeric age, 62 *seq.*; at Sparta, 233, 246; at Athens, 429.
Seisachtheia of Solon, 328 *seq.*
σηκίδες, 348.
σέλινον, 68.
Sellasia, 213; battle of, 196, 294.
Selli at Dodona, 64.
Semachidæ, 320.
Semitic origin of Pelasgi (alleged), 4; of Carians (alleged), 2, note.
Σεμναὶ θεαί, Areopagus servants of, 496.
Senate, at Massilia, 138. *See* also Boule, Council.
Separation of married people at Athens, 517; complicated by dowry, 555.
Serfs, existence doubtful in Heroic age, 39; rise of, in early Attica, 323; in Greece, 132-134; the Helots, 194 *seq.*; in Crete, 298 *seq.*; at Sicyon, 133; at Heraclea Pontica, 134.
Settlement in Attica a condition of citizenship, 355.
Seven Wise Men, the, 160, 166.
Sexual licence rare in Sparta, 253.
Sheep, values of, at Athens, 433.
Shield, in Heroic age, 78.
Shield of Achilles, 27 *seq.*, 45, 48.
Shipping of Attica, 528.
Shoes, prices of, 434; of archon Basileus, 409.
Show of hands. *See* Cheirotonia.
Sicily, political development of Greek colonies in, 173; monarchy in, 119; export of corn from, 526.

Sicyon, aqueducts at, 93; under Pelopid kings, 113; under Temenidæ, 114; Phylæ at, 129; serfs (Korynephori) at, 133; Orthagoras, grant of, 15; Euphron, tyrant of, 189; oligarchy restored at, 171.
σίδη, σιδεῦναι at Sparta, 258.
Signal-flag, of sittings of Council, 378; of Assembly, 381.
Signs, prophetic, in Heroic age, 63.
Silver, forbidden in Sparta, 275; currency, at Athens, 432.
Sintii of Lemnos, 82.
σιτηρέσιον, 446.
Sitting at table, customary in Sparta, 271; in Crete, 308.
Situation of Greek cities, 93.
σιτῶναι, σιτωνικά, 427.
σκαφηφόροι, 354, note.
σκηναὶ messrooms at Sparta, 272.
σκιαδηφόροι, 354, note.
σκότιοι in Sparta, 303.
σκυταλὴ at Sparta, 246.
σκυτότόμοι in Heroic age, 71.
Slavery in Heroic age, 40, 53; necessity of, to a Greek state, 102; absent in Phocis and Locris, 102; justification of, 102 *seq.*; in Sparta, 201; in Athens, 348 *seq.*
Slaves, gymnastic training forbidden to 106; instruction of, 106; usual treatment of, 106; at Sparta, 201; state officials slaves, 147, 430; in Attica, numbers of, 312, 348; whence obtained, 348; slave-markets, 348; employments of, 349, 528, 529; position, 349, 350; prices of, 434; public slaves, 342; proposal of Diophantus regarding, 352; slaves examined under torture, 485.
Smuggling, *προβολὴ* regarding, 392; frequency of, 451.
Sneezing a bad omen in Heroic age, 63.
Societies, various, at Athens, 361 *seq.*
Socrates, advice of, regarding Sycophantæ, 184; on speaking in Assembly, 531.
Sodalicia at Athens, 363.
Solon, mediation of, at Athens, 156; constitution of, 327 *seq.*; archonship of, 328; Seisachtheia, *ib.*; classification of, 330 *seq.*; constitution criticised, 333; Nomothesia ascribed to, 389; limitation of landed property, 181; law relative to certain societies, 361; judicial system of, 465; regulation of Areopagus by, 495; view of athletics, 506; establishment of poor-relief, 439; treatment of retail trade, 532; law regarding civil contests, 520, 555.
Sophists, 107; systematise oratory, 183; not allowed at Sparta, 276; at Athens, 511, 512; State-control of, under Demetrius, 536.
Sophronistæ, superintendents of education, 105; at Athens, 509.
Sosicrates on Cretan Perioeci, 300.
Soteres, priest of the, at Athens, 537.
Sovereign power in democracy, 371.
Sparta *κατὰ κώμας*, 123; names of the quarters, 207; Sparta proper, 207; Epimenides at, 165, 239, note; not the early capital of Peloponnesus, 192; Helots at, 196 *seq.*; Perioeci, 201 *seq.*; land distributions, 213; landed property in, 214; later fortifications of, 294.
Spartan Constitution, idealisation of, 256; similar to Cretan, 295.
—— kings, origin of, 225, 541; functions of, 227 *seq.*; membership of Gerousia, 544.
Spartans best example of Dorian character, 87; war with Tarentum, 155; centre of oligarchical parties in Peloponnesian war, 186; non-Dorian element among, 208; Phylæ of, 211; numbers of, 211 *seq.*; aversion to foreigners, 278; policy of, 287, 289; hegemony of, 289; decline of, 289 *seq.*; characteristics, 335; contrasted with Athenians, 500; war with Tegea, 289; with Argos, 289; defeated by Conon, 346.
Spartiatæ proper, 207 *seq.*, 217; remission of debts among, 230; in Assembly, 234; jurisdiction over, 241; on military staff, 284; diminution of number, 292 *seq.*
Speakers, badges of, in Heroic Assembly, 26; in Athenian Ecclesia, 382 *seq.*
Spelt as fodder in Homer, 67.
Spercheus, altar to, 37.
Speusinii at Athens, 352.
Sphacteria, punishment of captives at, 253.
σφαιρεῖς at Sparta, 264.
Sphere of action of Ecclesia, 387.
Sphettus in Attic Dodecapolis, 319.
Spinning in Heroic age, 71.
Staff appointments at Sparta, 284.

State, popular view of, 90 *seq.*, 109.
State-ownership of land in Sparta, 214.
State seal of Sparta, 246.
Staters, 432, 433.
Statues of the Eponymi, 370, 387, 412, 422.
—— as rewards for services at Athens, 400, 445.
Stealing rewarded in Sparta, 258.
—— wives, custom of, in Sparta, 265.
Stepmothers in Homer, 53.
Stephanephori, 145.
Στεφανηφόρος, the hero, 400.
Storerooms in Heroic palace, 74.
Strangers in Crete, 309; admitted to Syssitia, 307.
Strategi as supreme magistrates, 145; as war-ministers, 139; at Sparta, 247; at Athens, functions of, 420 *seq.*; qualifications of, 405; oath of, 409; election of, before archons, 412; convoke Assembly, 381; pay of, 446; control Symmoriæ, 458; decide disputes about trierarchy, 464.
Strategia, re-election to, 405.
Strategy taught at Athens, 511.
στρατεῖαι ἐν τοῖς ἐπωνύμοις, 423; σ. ἐν τοῖς μέρεσι, 423.
Street-sweepers at Athens, 415.
Stymphalus, 115.
Subdivision of states on abolition of monarchy, 121.
Subordination to government rare at Athens, 409.
Succession to kingdom in Heroic age, 31; to property, checks on, 151.
συγκλητοὶ ἐκκλησίαι, 380.
συκοφαντίας γραφή, 490.
συλλογεῖς, 417.
Sulphur used in religious purification in Homer, 59.
σύμβολον, 381.
συμφορεῖς τοῦ πολεμάρχου, 247, note.
Sumptuary laws in Syracuse, 150, note; at Athens, enforced by Areopagus, 498; of Demetrius, 535.
σύνδικοι, 362.
συνήγοροι in Nomothesia, 395; in audit of officials' accounts, 407; pay of, 436.
συντάξεις, 453.
συντελεῖς, 462.
συνωμοσίαι ἐπὶ δίκας καὶ ἀρχάς, 185, 363.
Superintendent of Finance at Athens, 419.
Supervision of morals, 150; withdrawn from Areopagus by Ephialtes, 341; restored, 346; at Sparta by Ephors, 237, 241; at Athens by Heliæa, 491; of navy by Council, 373 *seq.*; of cavalry by Council, 375.
Suspension of laws at Sparta after battle of Leuctra, 252.
Surgeons in Heroic age, 42.
Swimming in education at Athens, 511.
Sword, how worn by heroes, 78.
Syadras, the Laconian artist, 206.
Sybaris contrasted with Sparta, 273.
Sycophantia, προβολή regarding, 392.
Sycophants, 346.
Syloson, tyrant of Samos, 160.
Syme, 121.
Symmoriæ in Teos, 130; at Athens, 371, 457 *seq.*; for the trierarchy, 462.
Synarchiæ at Megara and Messene, 140.
Syndici, legal advisers of Erani, 362.
Synedri, board of, 137.
Syntrierarchi, 462.
Syria, export of corn from, 526.
—— (the island of), tribal division on, 39; probably an imaginary place, 39, note.
Syrian metœci at Athens, 353.
Syssitia in Sparta, 269 *seq.*; exclusion from, 218, 253, 545; conversation at, 260; management of, 269 *seq.*; formation of, 282; decline of, 293; re-introduced by Cleomenes III., 294; of Ephors, 245; in Crete, supplied from contributions of Mnoitæ, 298; regulations of, 306 *seq.*; at Athens, 398, 409, 445.

Tagus, 117.
Talthybiadæ in Sparta, 208; an Achæan gens, 249.
ταμίαι, 138; τῶν δημῶν, 368; τῶν φυλῶν, 370.
ταμίας τῆς κοινῆς προσοδοῦ, 418; τῶν στρατιωτικῶν, 419.
Taphians, 44.
Tarentum founded, 201; fall of oligarchy at, 154.
Taverns kept by slaves, 349.
Taxation, no regular, at Athens in Solon's time, 330; at Athens, 448 *seq.*

Taxes at Athens, 448 *seq.*
Taxiarchi at Athens, election superintended by archons, 412; functions of, 422.
τάξεις, 424.
Taygetus, *ἀποθέται* in, 256; hunting in, 270.
Tegea, kings at, 115; wars of Spartans with, 289.
Teiresias the seer, 65.
τειχιόεσσα (*πόλις*), 66, 121.
Teleclus, king of Sparta, 202.
Telemachus, doubts as to journey from Pylos to Lacedæmon, 8; convokes Assembly, 25.
τελῶναι, 450.
τεμένη, revenues from, in Attica, 448.
Temenidæ, 114.
τέμενος, crown-domain in Homeric age, 32; considerable in Peloponnesian kingdoms, 32; property of gods, 36.
Temenos, king of Argos, 114, 191.
Temples mentioned by Homer, 36.
Tenders for public works at Athens, 374.
Tenedos, Prytanes at, 141.
Teos, Prytanes at, in Roman period, 142; Phylæ at, 130; Symmoriæ at, 130.
Terpander, 243, 276.
Tetrapolis of Attica, 313 *seq.*; perhaps seat of Hyletes, 318; traces of a second, 320.
Teucrus, 53.
Thales, 166.
Thaletes of Crete, 166, 304; at Sparta, 275.
θαλύσια, 30, cf. 57.
Thamyris, 55.
Thargelia under supervision of Archon, 413.
Thasos, Phœnicians in, 10; exports of, 527.
Theagenes of Megara, 160; father-in-law of Cylon, 324.
Theano an elected priestess, 38; wife of Antenor, 53.
Theari or Theori at Ægina and Mantinea, 144.
Theatre, at Athens, payment for entrance, 341, 438; places of Bouleutæ in, 373; assemblies held in, 480.
—— of Dionysius, built by Lycurgus, 442.
Theatrones, the, 341, 438.
Thebes, Phœnician settlement at, 12; monarchy at, 116; law of adoption at, 152; restrictions on traders at, 153; oligarchy, 133; treatment of, by Philip, 533; rises against Alexander, *ib.*
θέμιστες, dues to king in Heroic age, 33.
Themistocles Stephanephorus at Magnesia, 145.
—— of Athens, archon, 337; proposal regarding produce of mines, 448, note.
Theoclymenus, 47.
Theognis of Megara, at Sparta, 276; complaints of, 126.
Theopompus originates legend of Cecrops, 14; mentions oligarchy at Rhodes, 187.
—— king of Sparta, 236; originates Ephors, 236.
θεοπρόπος, *θεοπροπίη*, *θεοπρόπιον*, 62.
Theori. *See* Theari.
Thessaly, invaded by Deucalion, 5; Dorians in, 6; Periœci in, 132; Penestæ in, 132; Dorians migrate to Crete from, 297; migration from, under Xuthus, to Attica, 313.
θῆτες, in Homer, 41; in Attica, 323, note; lowest class in Solon's constitution, 329; not necessarily poor, 330; excluded from office, 331; admitted to Council after reform of Aristides, 372; rarely candidates for office, 405; excluded from Strategia, 422; *ἔξω τοῦ καταλόγου*, *ib.*; in fleet, *ib.*
Thiasi at Athens, 362.
Thimbron, 199.
Thirty Tyrants, the, 345, 549.
Θοίνη, 75.
Tholus, meeting-place of Council, 377; messes there under Colacretæ, 418.
Thorax, the Spartan, 275.
Thoricus in Attic Dodecapolis, 319.
Thousand, Assembly of, at Creton and elsewhere, 137.
Θόωκος, 26, note.
Thrace, in route of immigration into Greece, 1; slaves from, 348.
Thracian colonies, oligarchy in, 171.
Thracians, religions of early, 16.
Threnos, 56.
Theoria at Athens, 327.
Theoric distributions, how far justifiable, 341; increased, 342; particulars of,

438; regarded as poor-relief, 440; superintendents of, instituted, 439; take over functions of *ὁδοποιοί*, 415.
Theoretic reformers, 154 *seq.*
Thera, monarchy in, 118.
Theras, guardian of Eurysthenes and Procles, 208, 226.
Therapontes in Heroic age, 36; name of serfs in Chios, 134; in Crete, 299.
Thersandrus, 29.
Thersites, 26.
Theseus, 316; Ionic descent of, 547; why not an Eponymus, 549.
Thesmophylaces in Elis, 144.
Thesmothesion, the, at Athens, 412.
Thesmothetæ (archons) at Athens, instituted, 322; Nomothetæ appointed by, 388; report on inconsistencies in laws, 394; superintend ballot of officials, 402; dokimasia of archons before, 406; functions, 410; no regular assessors of, 413; take over functions of Nautodicæ, 474; announce sittings of Heliæa, 492.
Thespiæ, Demuchi at, 143; oligarchy in, 172.
Thessalians immigrate from Epirus, 6, 193; *μεσίδιος* among, 157; cavalry of, 283.
Thessaliotæ, 133.
Thunder, *διοσημία*, 385.
θύεα, θυήεις, θυώδης, 61.
Thurii, Protagoras legislates for, 168; revolution at, 171.
Thyme, a product of Athens, 527.
Thymœtes, 121.
θυρωροί at Athens, 431.
Thyria, a town of Perioeci, 201.
Timber, import of, into Athens, 526.
τίμημα, 456, 534.
τιμητοὶ ἀγῶνες, 482.
Timocracy, 99; earliest in colonies, 127; safe development of democracy in, 155; the franchise in, 146; landed property prominent in, 181; probably existed in Achæa, 169; Solon's constitution an instance, 334; instituted at Athens by Cassander, 334.
Timoleon, 189.
Timophanes, 189.
Timotheus the musician, 243, 276.
Timuchi in Massilia, 137; at Teos, 144.
τιθήνη, 53, note.
Tithenidia at Sparta, 272.
Tiryns, 8; Perioeci at, 31; depopulation of, 172.
Tisamenus, king of Peloponnesus, 192.
τόκος ναυτικός, 529.
Torone, 171.
Torture, testimony under, 430; weight attached to, *ib.*
Town, political position of, in the Homeric age, 65 *seq.*; life in, discouraged by oligarchy, 152; by tyrants, 163.
Toxotæ at Athens, 376, 381.
Trachinæ, a Malian tribe, 130.
Trade guilds absent at Athens, 528.
Traders, restrictions on franchise of, 152-3; by sea, exempt from military service at Athens, 424; admitted to office by Aristides, 339.
Trades in early Athens not regulated by caste, 318.
Trapezitæ, 530 *seq.*
Trapezus, Arcadians of, support mercenaries, 288.
Travel abroad prohibited at Sparta, 276; in Crete, 309.
Treason, accusation of, in Assembly, 387.
Treasurers, of the gods, 418; of the Theoricon, 439.
Treasuries, of Council, 379; of State, 418; of public messes, 418.
Treaties, Athenian, controlled by Ecclesia, 398.
Triacades at Sparta, 279 *seq.*
Trial, form of, at Athens, 486 *seq.*; for murder, 321.
Tribal divisions absent from Syssitia at Sparta, 271.
—— division in Greek states, 128 *seq.*; at Sparta, 211.
Tribes, in Greece, 128 *seq.*; the four old Attic, 317 *seq.*; magistrates of, 327, 412; Council taken from, under Solon, 331; new division of Cleisthenes, 336, 365; names of, 369; boards elected by, 336, 370; officials of, 369; alleged voting by, in ostracism, 176, note. *See* Phylæ.
Tribute of allies of Athens, 452 *seq.*; dealt with by Ecclesia, 379; applied to Theoric fund, 454.
Tricorythus, in Attic tetrapolis, 313.
Τρίγωνον, the court, 476.
Trierarchs at Sparta, 287; at Athens, 426; contract with Council, 374; crown, reward of, 375.

Trierarchy, 461 *seq.*, 553; instituted, *ib.*; under supervision of Strategi, 421; how far an extraordinary liturgy, 553.
Trieropœi, 371, 426.
Triobolium, 343, note, 437.
Triphylia, 115, 192.
Trittyes, 371.
Trœzene under Temenidæ, 115.
Trojan war, attempts to determine date of, 19, 20.
τρέσαντες, 253.
τρόφιμοι at Sparta, 209, note.
τρόφος, 53, note.
τυραννίς of Ephors, 244.
τυχόντες at Sparta, 245.
Twelve cities, the, of early Attica, 315, 319.
Tynnondas of Eubœa, 157.
Tyrants, 158 *seq.*; characteristics, according to Aristotle, 159; subsequent rise in consequence of later party struggles, 189; in Sicily, 189 *seq.*; in Attica, 324 (Cylon), 335.
Tyrian origin of Cadmus, 12.
Tyrrhenians, 4, note; the Sintii Tyrrhenian, 182.
Tyrtæus at Sparta, 277.

UMBRIANS related to Greeks, 2.
University of Athens, 540.

VALUE, measure of, in Heroic age, 66.
Venerii in Sicily, 134.
Villages. *See* Comæ.
Violet Crown of Athens, 311.
Virtue in aristocracy, 174.
Voting in Heroic Assembly, 27; never by tribes in Greece, 176; in Spartan Gerousia, 231 *seq.*; of Spartan kings, 233, 544; in Spartan Assembly, 236; in Athenian Ecclesia, 385; in Council, 377, 378; of Nomothetæ, 378; in law-courts, 487, 554.

WAR, in Heroic age, 76 *seq.*; conduct of, by Spartans, 284 *seq.*; influence in, of Ephors, 242; dealt with by ecclesia at Athens, 397.
—— expenses of, at Athens, 445 *seq.*; interferes with sittings of courts, 493.
War-chariots, 97.
War-taxes at Athens, metœci liable for, 354; superintended by Strategi, 421.
Water-supply, regulations of, at Athens, 415.
Wealth of Greece in Heroic age, 69; accumulation of, restrictions on, 180; at Sparta, 214 *seq.*
Weapons of Locrians, 82.
Weaving, in Heroic age, 71.
Weights and measures in Greece, 18.
Wheat in Heroic age, 67.
Wheelwrights in Heroic age, 70.
Wholesale trade, mainly marine, 95.
Widows, under protection of archon, 502.
Wine in Heroic age, 67 *seq.*; value of, at Athens, 43; import of, into Athens, 526 *seq.*; wine-countries, *ib.*
Withdrawal of motions in Ecclesia, 385.
Witnesses in Homer, 48, and note; at Athens, 484 *seq.*; slaves not admitted as, 381.
Wives, sometimes prizes of success, 49; chosen by parents, in Heroic age, 49, 554; theft of, at Sparta, 268 *seq.*; transfer of, at Sparta, 267; at Athens, introduced into Phratria on marriage, 364; position of, at Athens, 514 *seq.*
Women, in Heroic age, 49 *seq.*, 71; at Sparta, education of, 262 *seq.*; position of, at Sparta, 267 *seq.*; in Crete, 306; in Athens, education of, 512 *seq.*; seclusion of, 513; limitation of legal powers of, 516; retail trade carried on by, 531; positions of, in Homeric and in later times compared, 554 *seq.*
Works of art rare in Sparta, 278.
Worship, community in, a mark of citizenship, 101; basis of Attic gentes, 317, 320, 364.
—— new, under control of Athenian Ecclesia, 399.
Writing in Greece, 16 *seq.*
Written laws first introduced by Zaleucus, 17; forbidden by Lycurgus, 223, cf. 251, 541; introduced at Athens by Draco, 323 *seq.*

XANTHIPPUS as archon, 337.
ξενηλασίαι in Sparta, 278, 280, note; none in Crete, 309.
Xenophilus, 109.

Xuthus, 313, 546, 547, 552.

YEAR, the, at Athens, 377.

ZALEUCUS, legislator of Locri, 17, 157, 158; pupil of Thaletas, 166.
Zea, tribunal at, 465.
ζητηταί, 395.
Zeno of Elea, legislation of, 168.
Zeugitæ at Athens, 329; assessment of, in *εἰσφορά*, 455 *seq.*
Zeus Ammon, 441.
Ζεὺς *ἀγήτωρ*, 247, 284.
—— *ἀμβουλιος*, 233.
—— *βουλαῖος*, 379, note.
—— *ἑρκεῖος*, 59; cult of, a mark of citizenship at Athens, 365, 404.
—— *λακεδαίμων*, 227.
—— *οὐράνιος*, 227.

Edinburgh University Press:
THOMAS AND ARCHIBALD CONSTABLE, PRINTERS TO HER MAJESTY.

00082482

Digitized with financial assistance from the
Government of Maharashtra
on 18 July, 2018